

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-09 [Residents of Lanier Heights and ANC
1C - Map Amendment at Squares 2580, 2581, 2582, 2583,
2584, 2586W, 2587, and 2589.]

6:34 p.m. to 9:46 p.m.
Monday, March 21, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairman

3 PETER MAY, Commissioner

4 ROBERT MILLER, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JOEL LAWSON

12 JENNIFER STEINGASSER

13 MATT JESICK

14

15 Other:

16 DENIS SUSKI

17 BILLY SIMPSON

18 ALAN GAMBRELL

19 ERIC LIPTON

20 PAUL ALAN LEVY

21 BRYCE JACOBS

22 NANCY HUVENDICK

23 MEG STAINES

24 PAUL ZUCKERBERG

25 LARRY HARGROVE

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Other:
2 TOM SWEGLE
3 LOUIS KANARIS
4 NICK LOCKWOOD
5 B.B. OTERO
6 RON BAKER
7 AMANDA SOUR
8 RICHARD ARONBERG
9 ANNA BRUNO
10 KEITH PARSONS
11 MARIA BURMISTROVA
12 BONNIE ROBERTS-BURKE
13 SUZANNE ALLAN
14 MICHAEL MAYA
15 CATHERINE BROAD
16 SANDRA DECKER
17
18
19
20
21
22
23
24
25

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia. Today's date is March 21st, 2016. We're located in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood, joining me are Vice -- excuse me. Joining me are Commissioner Miller, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Planning staff, Ms. Steingasser, Mr. Lawson, and Mr. Jesick.

This proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room, including the display of any signs or objects. Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11-DCMR-2031 as follows, preliminary matters, presentation by the petitioner, and in this case we have a petitioner and the ANC, co-petitioners, report of other government agencies,

1 report of the ANC. In this case I think it's ANC 1C.
2 Organizations and persons in support, organizations
3 and persons in opposition.

4 The following time constraints will be
5 maintained in this meeting. The petitioners, the co-
6 petitioners have up to 60 minutes but I see they
7 obviously requested 45. Organizations, five minutes.
8 Individuals, three minutes. The Commission intends
9 to adhere to the time limits as strictly as possible
10 in order to hear the case in a reasonable period of
11 time. The Commission reserves the right to change
12 the time limits for presentations if necessary.
13 Notice at no time shall be seated.

14 All persons appearing before the Commissioner
15 are to fill out two witness cards. These cards are
16 located to my left on the table near the door. Upon
17 coming forward to speak to the Commission please give
18 both cards to the reporter sitting to my right before
19 taking a seat at the table.

20 When presenting information to the Commission
21 please turn on and speak into the microphone first
22 stating your name and home address. When you are
23 finished speaking, please turn your microphone off so
24 that your microphone is no longer picking up sound or
25 background noise. Staff will be available throughout

1 the hearing to discuss procedural questions. Please
2 turn off all electronic devices at this time so not
3 to disrupt these proceedings.

4 At this time the Commission will consider any
5 preliminary matters. Does the staff have any
6 preliminary matters?

7 MS. SCHELLIN: Yes, sir. Staff has one
8 preliminary matter. The petitioners did post the
9 property on time per the Commission's direction at
10 the February 8th, public meeting. But they did file
11 their affidavit of posting late and they have asked
12 for a request for waiver for the late filing, and
13 would ask the Commission to consider that request.

14 CHAIRPERSON HOOD: Okay. Colleagues, I
15 certainly don't have any objections. Any objections?
16 Not hearing any, so we will grant that.

17 Anything else, Ms. Schellin?

18 MS. SCHELLIN: No, sir.

19 CHAIRPERSON HOOD: Okay. I'm going to ask
20 petitioners to begin and you can introduce yourselves
21 first and you may begin your presentation.

22 MR. SUSKI: Thank you, Chairman Hood and
23 other members of the Zoning Commission. My name is
24 Denis Suski. I live in Lanier Heights and I'm one of
25 the petitioners for this. I'm here with Commissioner

1 Gambrell and Commissioner Simpson from ANC 1C as
2 well, who are co-petitioners.

3 So I'd just like to I guess go ahead and get
4 started if that's okay. I'm going to do this. So,
5 we'd like to cover a lot of ground during this
6 presentation regarding our neighborhood. This
7 rezoning is not all about the new four letter word
8 called preservation. Some of the topics we'd like to
9 go over are how open we are to many of the ongoing
10 changes to the neighborhood. This includes both new
11 businesses that have arrived or are on the horizon,
12 as well as additional housing and where it fits. We
13 are looking for a neighborhood that evolves, not one
14 that is stuck in time or in a rut.

15 We are very fortunate to be situated between
16 both Mount Pleasant and Adams Morgan and get to
17 easily enjoy and experience what both neighborhoods
18 have to offer. This is one of the reasons Lanier
19 Heights is such a great place to live. However, we
20 do have consequences that come along with this, and
21 one of those consequences is overdevelopment. This
22 is why we are looking to rezone Lanier Heights. Not
23 to talk about keeping people out or being elitists,
24 but holding on to one of the things we cherish the
25 most, our homes.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 We'll be showing how and why we have gotten
2 to this point with rezoning and kept the neighborhood
3 informed through flyers, signs, and meetings.
4 Another important aspect to this will be how the
5 rezoning fits in to the Comprehensive Plan,
6 especially for the Mid-City, and how this will
7 continue to help the neighborhood be not inconsistent
8 with the Comprehensive Plan, but also how this
9 addresses several action items that may have slipped
10 through the cracks.

11 MR. SIMPSON: Members of the Zoning
12 Commission, thanks for taking the time to hold this
13 hearing tonight. My name is Billy Simpson. I am the
14 Commissioner for Single-member District 06 in
15 Advisory Neighborhood Commission 1C. I was
16 previously the chair of the Commission and chair at
17 the time that this matter was considered by the
18 Commission.

19 I actually wasn't planning to be here
20 tonight. This was the year that I was planning to
21 extricate myself from Advisory Neighborhood
22 Commission matters and try to regain a personal life.
23 But here we are and as we got closer to this meeting
24 tonight it was brought to my attention that a
25 completely false charge had been raised against me in

1 one of the written submissions that was provided to
2 the Commission. It was alleged that I had required
3 both sides in this debate in the community to remove
4 any signatures from residents on their petitions,
5 residents who already lived in converted row homes.
6 That is completely false.

7 And having heard that charge levied against
8 me I became very motivated to come and participate in
9 tonight's hearing and speak to the extensive
10 community outreach in the absolutely fair process
11 that our Commission followed in getting to the place
12 that we are tonight.

13 Fortunately the individual who submitted that
14 assertion, upon being confronted, was willing to
15 submit a corrected statement to the record.

16 In the three plus years that I served on ANC
17 1C, and in the several years of active involvement in
18 neighborhood matters prior to that, I think I can say
19 without reservation that I have not seen another
20 matter come before our Commission that has been as
21 thoroughly community led, and as thoroughly community
22 vetted as this particular matter.

23 Long before even coming to the ANC the
24 neighbors who brought this petition to us spent about
25 two years working on this with each other. It was

1 entirely driven by the residents of Lanier Place and
2 their neighbors. And they worked together and they
3 worked with the Office of Planning, and they worked
4 to come up with a geography and to come up with a
5 construct that they thought could gain support. And
6 by the time that they came to our Commission to seek
7 our support, they had well over 100 people in this
8 geography who were in support.

9 For our part we wanted to make sure our
10 Commission and the commissioners on our Commission
11 deeply understood that zoning is a matter of great
12 significance for people in the properties that they
13 own within a given district. And so we wanted to
14 approach this matter in the most transparent manner
15 possible, and we wanted to make sure that anyone who
16 was interested would have an opportunity to weigh in.
17 and we particularly wanted to make sure that anyone
18 who lived in any of the effected properties would
19 have an opportunity to weigh in.

20 In the fall of 2014 we, after some internal
21 discussion, came upon the process that we wanted to
22 follow to take community feedback on this matter. We
23 set up a schedule involving two main meetings, a
24 special forum that would be dedicated solely to this
25 topic where we would accept comments from anyone who

1 wanted to attend. And then subsequent, approximately
2 two weeks later at our regular business meeting we
3 put the matter on our agenda where we would then take
4 our vote on the matter. And again, people would be
5 given an opportunity to speak there.

6 In the two months running up to these
7 meetings we posted seven separate postings on the
8 Adams Morgan List Serve, announcing these meetings.
9 Some of those were multipurpose postings that
10 included all of the agenda items on our meetings, but
11 we had three specific postings that pertained solely
12 to this matter, and that laid out the schedule well
13 in advance, weeks in advance, and reiteratively as we
14 got closer to the meetings.

15 For reference, the Adams Morgan List Serve
16 has about -- has somewhere north of 4,000 people who
17 are on it. That information was also posted to the
18 Commission's website, and we specifically asked each
19 of our commissioners to directly notify their
20 constituents using their own constituent group list.

21 As we moved into this process we also
22 specifically reached out to the neighbors who were
23 both advocating for the change, and the neighbors who
24 we knew were leading the effort against the change.
25 And we notified them of the schedule and specifically

1 asked them to notify their supporters.

2 And finally, in the week leading up to our
3 special forum we had our part-time staff assistant
4 print out about 165 flyers, which is slightly more
5 than what we understood to be the number of affected
6 residents, and attempted to hand-deliver to every
7 affected residence, a copy of that flyer, as well as
8 post some of those flyers on the lamp posts in the
9 affected areas.

10 So that is just an example of the -- or an
11 outline of the kind of outreach that we did in the
12 community. I should note that I personally, because
13 my single-member district, touches on part of this
14 area, I personally took the time to meet in person
15 with any constituent who asked me to do so to discuss
16 their concerns. There were three individuals who
17 were in opposition to the change that asked me to do
18 that.

19 Those who are against this rezoning effort
20 have been very passionate in their opposition. But
21 the simple reality is that they are vastly, vastly
22 outnumbered by those in the effected district who
23 support this change. At the special forum that we
24 held we had over 100 people in attendance. According
25 to our minutes, and I could provide documentation and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 copies of any of the information I'm citing to you.
2 According to our minutes only eight individuals spoke
3 in opposition to the zoning change.

4 At the meeting where we actually voted on the
5 zoning change, only two individuals spoke on -- two
6 new individuals spoke in opposition.

7 Based on the petitions we received, those who
8 spoke there appear to be somewhere in the range of
9 about 15 individuals in the affected area who oppose
10 the change. In contrast again, there are over 100
11 individuals who have clearly expressed their support
12 for the change in zoning who are property owners in
13 the affected area.

14 That overwhelming support is, I think, the
15 predominant factor that led our Advisory Neighborhood
16 Commission to unanimously support this change. But I
17 want to speak just about a couple of other broad
18 reasons why we were able to support this change
19 without reservation. Mr. Suski mentioned some of
20 these topics.

21 But I just want to highlight the extent to
22 which this does not reflect a desire on the part of
23 the ANC to be antidevelopment, antigrowth,
24 antidensity. Adams Morgan is perhaps the densest --
25 I think it is. It may be the densest neighborhood in

1 the District of Columbia, population per square foot.

2 And over the past decade we have seen
3 countless development projects come to the community.
4 Essentially every parcel of unused land, every
5 surface parking lot has been bought up and proposed
6 for development. And many parcels that are
7 underdeveloped have been brought up and proposed for
8 development. And our ANC has been an absolutely
9 constructive partner in working with developers to
10 allow those projects to move forward in ways that are
11 acceptable to the community, but that have gained the
12 Commission's support.

13 Dorchester West, Ontario 17, the Adamo, 2337
14 Champlain Street, 1711 Florida Avenue. The list goes
15 on, and more are coming. I think we've easily
16 brought in 1,000 new units of housing into Adams
17 Morgan in the past five years, and we have hundreds
18 more that we know are in the works. And so the idea
19 that this is somehow an antidevelopment move is just
20 incorrect and misses the mark.

21 What we are trying to accomplish here, what
22 the neighbors are trying to accomplish, what the ANC
23 supported, was an attempt to maintain a diversity of
24 housing types in Adams Morgan. The new construction,
25 it all tends to be the same. It's apartments, it's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 condominiums. And they're relatively small, and
2 that's fine.

3 We have apartments in Adams Morgan, we have
4 condominiums in Adams Morgan, we have market rate
5 housing in Adams Morgan. We have low-income housing
6 in Adams Morgan. We welcome all of this. What we
7 are trying to preserve here is a very unique and ever
8 more scarce intact set of single-family and two-
9 family homes. And as much as we welcome the other
10 housing types we think that this housing type should
11 be preserved in Adams Morgan.

12 It performs a special function. People who
13 walk down Lanier Place always comment on the special
14 feeling that it provides. We have neighbors there
15 who, every year on Halloween, invite the entire rest
16 of the Adams Morgan community to come to Lanier Place
17 to have their children trick-or-treat. And they come
18 in the hundreds. And it only works because of the
19 housing type that is there. You can't recreate that
20 kind of environment in an apartment building. It's a
21 special place in Adams Morgan, it deserves to be
22 maintained as part of our community.

23 MR. SUSKI: Thank you. So this slide should
24 actually kind of say notifications and history
25 because I wanted to talk about kind of how we got

1 here as well. Around 2007 some residents began
2 seeking historic designation for Lanier Heights as a
3 means to combat what was imminently going to happen
4 to the row homes in the neighborhood. And for a
5 number of reasons this didn't bode well with a large
6 number of residents. However, one of the reasons
7 that was brought up was that this really would not do
8 much to stop the ongoing pop-ups, and this was
9 largely an issue of zoning.

10 It was in 2012 when Office of Planning first
11 came out to Lanier Heights to discuss the option of
12 rezoning. And from there, more and more
13 neighborhoods became involved in what we hoped would
14 be the best way to save the remaining row homes in
15 the neighborhood.

16 So as things progressed, another meeting was
17 held with Office of Planning to discuss the direction
18 we were headed, and what it would take to accomplish
19 our goal. Communication throughout the neighborhood
20 was done in a variety of ways through local meetings
21 which were announced via signs throughout the
22 neighborhood, flyers were handed out door to door,
23 website set up, list serve was created for
24 collaborating zoning related messages as well as
25 neighborhood residents going door to door explaining

1 what we were trying to accomplish. Why and what --
2 trying to accomplish why and what the differences in
3 zoning meant, all the while collecting handwritten
4 signatures.

5 All of this was done to both inform the
6 neighborhood and be as thorough as possible before
7 seeing ANC approval. ANC, like Billy said, was very
8 democratic about how they handled this. Lanier
9 Heights zoning was a topic of conversation at a
10 number of meetings and Office of Planning actually
11 returned to one of those meetings to discuss this.
12 So from there, it was ultimately decided that before
13 weighing in on this topic they wanted to hear from
14 the neighborhood, and that's when they held a special
15 forum on the topic. And this was, again, like Billy
16 said, well publicized. The ANC had this on their
17 website, as well as posted signs and delivered flyers
18 door to door.

19 So kind of an example of the flyers that were
20 handed out as well as the most recent postings that
21 we've had for this public hearing. And so we did
22 that prior to the hearing in compliance with the
23 Zoning Commission requirements, and we also sent e-
24 mails to the Lanier Heights and Adams Morgan list
25 serves and posted information regarding this to our

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 website. Thanks.

2 MR. GAMBRELL: Hi. My name is Alan Gambrell.
3 I'm ANC Commissioner 1C-05, also in Lanier Heights,
4 one of three ANC commissioners for the area. And I
5 live on Argonne Place in Adams Morgan.

6 I'd like to focus my time on the
7 Comprehensive Plan. I know the Office of Planning is
8 going to give a review of it, but I'd like to tell
9 you how we read the report. I actually, when I first
10 read the report it was a little bit of a
11 headscratcher with me. I didn't have a strong
12 position and I expected to see that. And I think a
13 key phrase jumped out at me upon my second reread.
14 That phrase, "would not be inconsistent with many of
15 the written plan policies."

16 Well, I'm going to do a little English
17 translation for you. To me, that means is consistent
18 with, and I think that means that to a lot of people
19 it is consistent with many of the written plan
20 policies. And that sounds like an endorsement. In
21 fact that sounds like a ringing endorsement.

22 So what we'd like to do now is go through
23 some of the policies and how we feel we actually are
24 meeting those policies, and then some areas where we
25 feel that R-4 would actually help us accomplish other

1 policies, which were very much at risk.

2 Just a quick summary of the approximately 19
3 Comprehensive Plan provisions cited, as I mentioned,
4 Lanier Heights, I mean, just check the list off, yes,
5 yes, yes. Consistent with most of those policies.
6 And as I said just a moment ago, R-4 would help us
7 address more.

8 First broad area, we do have a diverse range
9 of housing types. Billy already made mention of that
10 in terms of nearly 200 row houses and dozens of
11 apartment and condo buildings. I took a reminder
12 walk around the neighborhood this weekend in terms of
13 where those apartments are and how they fit within
14 our row house neighborhood. And it's very much along
15 the perimeter if you walk along Columbia Road. There
16 are just hundreds of apartment buildings there. I
17 mean the Argonne, for example. I have a few names
18 here. The Calverton, Chatham Court. If you swing
19 around the corner through Ontario Road, which just
20 sort of runs into the neighborhood, again you're
21 going to see some large apartments that run right
22 through the core of our neighborhood. You continue
23 down the hill you see the Saxony, Park Crescent, down
24 Summit, Summit House, Parkside. Back up Lanier
25 you'll see a few, the Carlton, the Swiss Chalet,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 which it has 30 units, Park Terrace.

2 We do definitely have a good number of
3 apartment buildings in the neighborhood, and that
4 does very much reflect the diversity we have. And I
5 think we see that as a good thing.

6 In terms of how we, as a community, have
7 adjusted to the tremendous growth and change that's
8 occurring in Washington, D.C., which is, you know,
9 I've been here over 30 years and it's just absolutely
10 mind boggling as everybody knows and what's happening
11 to the city in so many good ways. Again, the
12 Comprehensive Plan outlines a number of policies for
13 accommodating growth change in the city. And again,
14 if you look at Lanier Heights the changes, as Billy
15 mentioned, they're remarkable and they are largely
16 welcome. And they've been accommodated by the ANC
17 and by the residents. We're simply not a nimby
18 neighborhood. That's just absolutely not the case.

19 These are just some examples. Billy, again,
20 mentioned those. Billy, you took so much of my
21 thunder. The Adamo used to be a gas station.
22 Ontario 17, across on Columbia Road. The Scottish
23 Rite is actually on the drawing table right now,
24 which is right across the street from Lanier Heights
25 and right across from Argonne Apartments, which is in

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Lanier Heights. These are just a few examples.

2 So another set of comprehensive plans speaks
3 to the need to maintain a balance of housing supply.
4 And this is really where we start looking to your
5 assistance to help us through the change to R-4
6 maintain this balance. Our fear is that balance that
7 we just outlined of apartments and condos and co-ops
8 and row houses will be lost without R-4. And we're
9 beginning to see the early signs of that.

10 And related to preservation of the housing
11 stock in terms of row houses is an additional set of
12 comprehensive plan polices regarding the preservation
13 of the neighborhood character. And it's very much
14 about specific in the Comprehensive Plan about
15 preserving row house neighborhoods. And again, we're
16 at a tipping point.

17 Limitless conversions to four units were
18 simply contrary to the Comprehensive Plan provisions
19 on preservation of row houses. And as Dennis said
20 earlier, preservation is not a bad word. And the
21 Comprehensive Plan doesn't find it to be a bad word.
22 That's why many of us, in fact, even moved in the
23 neighborhood and why we want to continue to stay
24 here.

25 The next to the last Comprehensive Plan

1 element that supports R-4 for Lanier Heights is
2 support for family housing and we're very clear that
3 families come in all forms, all shapes and sizes, all
4 types of configurations. It's pretty clear, however,
5 from the Comprehensive Plan that family housing is
6 very much framed in relation to multiple generations.
7 And that's where we feel like R-4 is necessary. That
8 really requires housing that comes from row houses or
9 two-unit row house conversions that provide ample
10 space inside and safe recreation space outside.

11 I might add that preservation of that type of
12 housing very much ties into the larger planning
13 efforts of the city. That's evident in the millions
14 of dollars and nearby schools to support families in
15 our neighborhood. I mean, for example, H. D. Cooke
16 Elementary a few years ago, I don't even know what
17 the figure was in terms of how many tens of millions
18 of dollars was invested in that structure.

19 Currently, and Billy knows this quite well,
20 and I'm also on the committee regarding the Marie
21 Reed Communication Learning Center which is
22 undergoing -- I hope I got that cost figure right,
23 approximately a \$65 million renovation project.
24 Where are these kids and their families going to live
25 if our row house neighborhoods are lost. I mean,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 what's the point of investing this kind of money in
2 the neighborhood if you're simply not going to leave
3 the housing for these families.

4 The final component I want to speak to is to
5 support affordable housing. And I've got to tell
6 you, I'm sure I'm like everybody in this room, and
7 just stymied by this. I mean, it's challenging to do
8 that through zoning. Certainly the inclusionary
9 zoning process has not necessarily worked and it's
10 tough in terms of a marketplace.

11 But what's pretty clear is that row house
12 conversions to four units does not provide you with
13 affordable housing. I think it's time we maybe
14 exploded that myth. And the way you can explode that
15 myth is you can go to real estate ads. Here are a
16 few. And on Lanier Place there is a condo conversion
17 at 1767. That's \$1.19 million. That's not a typo.

18 Right next to it, it's a four-unit
19 conversion. It's \$980,000 for a top floor unit.
20 Those are current Lanier Heights sales I just pulled
21 out. Now there are some that are more in the range
22 of the affordable 500 and \$600,000. But I just wish
23 we would come to terms with the fact that creation of
24 four-unit conversions isn't where you're going to get
25 affordable housing. It's simply not going to happen.

1 MR. SUSKI: So going on with OP's report, we
2 feel as though the existing R-4 is consistent with
3 their principles. They provided a set of principles
4 for an alternative zone, and as this slide shows R-4
5 is relatively consistent with the principles
6 suggested by OP for a custom zone. And so we felt as
7 though this was right for us, and really didn't see
8 the need to go through the trouble of trying to
9 create a custom zone when this was actually
10 everything that we saw and wanted.

11 So as the OP report documents, the vast
12 majority of row house properties in Lanier Heights
13 are suitable for R-4. These numbers clearly show a
14 vast majority of affected properties would conform to
15 R-4 zoning requirements.

16 So we have a lot of challenges that we face
17 and regarding these in the neighborhood, we have
18 several slides to kind of detail all of our concerns.
19 So you can see on this slide, the impact that condo
20 conversions are already having on Lanier Heights
21 density. It's hard not to conclude at the current
22 pace that we simply have too many people squeeze in
23 to too little space, particularly along our row house
24 corridors.

25 Next one. And our family housing is at risk.

1 So moving to R-4, like Alan has mentioned, you know,
2 also helps families establish themselves in the
3 neighborhood. And D.C. is already one of the most
4 transient cities in the U.S. In the time that we've
5 lived here we've seen a number of friends come and go
6 due to both political and personal reasons. It's
7 important to help promote family living in the
8 District and have the homes available to raise
9 children, is one way to do it.

10 And most of the condos in the pop-up row
11 homes are one-bedroom units, and they are often
12 several flights of stairs leading to these units,
13 which is hardly convenient for parents carrying
14 groceries, kids, strollers, and all the other
15 accoutrements. So this will inevitably lead to
16 parents looking for additional space and moving
17 elsewhere, and without the children here our local
18 schools will, as mentioned, eventually suffer.

19 So this is a big one. This is our quality of
20 life being at risk. So residents are also losing
21 when it comes to quality of life. All of us are
22 affected every time a pop-up goes up or back for that
23 matter. Some of us, more than others, and no one
24 knows where they're going to be next. A few of the
25 items shown are among those that we stand to lose,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 although each person is affected in a different way.
2 Some neighbors are concerned about the increase in
3 parking that comes with all these additional units.
4 And while it's true that parking minimums are more
5 relaxed for an R-4 zone, we feel that by hoping to
6 decrease the number of units that this will help
7 alleviate parking congestion.

8 I'd also like to address the point that the
9 situation of parking seems to have made -- have been
10 made into a much bigger issue than the reality of the
11 concern. And that's primarily due to the vast
12 majority of residents being far more concerned about
13 the life inside of our homes.

14 One of the things is noise. You know, noise
15 is a common problem when sharing a wall. And we
16 learn how to deal with that. You know, you can cope
17 with a comfortable and sometimes copious amounts of
18 noise, but when it's multiplied by four, five, or
19 eight times it starts to get out of hand.

20 I'd also like to point out that although we
21 all care about the street frontages as we walk
22 through our neighborhood, many of us are just as, if
23 not more concerned, about what's happening to the
24 back of our homes. We're very fortunate to live in a
25 community that offers so many homes with back yards

1 where you can walk out and see the sky and trees and
2 enjoy the sun.

3 However, when a 50 foot cinderblock wall goes
4 up next to you, you not only -- not only has your
5 right to that light and air, a general provision that
6 zoning should protect, has it been revoked, but your
7 property value has immediately been reduced as well.
8 Letting all of these trees and bushes get chopped
9 down in the front and backs of homes is not helping
10 to keep Lanier Heights a vibrant green neighborhood.

11 And regarding risk, it's undeniable. We have
12 already seen our streets destroyed. Sometimes for up
13 to a year, flooding to neighboring homes, and worst
14 of all, collapse.

15 As was mentioned in our original proposal to
16 the Zoning Commission, we have actually been very
17 lucky in Lanier Heights in that architecturally
18 speaking many of the row homes that have been
19 converted actually look quite nice from the front. I
20 think everybody knows what some of the bad examples
21 are, and there's really not a need to show them here.

22 But what I would like to show you is that
23 overbuilding has an impact to the back of our homes
24 as well, as many of us use the space for recreation
25 and relaxation.

1 So these photos show how, when built to the
2 absolute maximum, R-5-B zoning is not right for this
3 neighborhood. The blocking of light and air
4 literally goes from so-so to extremes that are cringe
5 worthy. Here you can see this -- I'm sorry. The
6 single-family to eight-unit conversion at 1793
7 Lanier. It's completely covering the entire lot and
8 ensuring everyone on this side of the neighboring
9 Lambert Condo building lost all of their light.

10 This photo is an example of how far back 1787
11 Lanier went into the former back yard. An earlier
12 condo conversion at 1785 can't even been seen in the
13 photo. Also shown on the right-hand side is 1726
14 Lanier Place, towering over neighboring homes and
15 yards, nearly killing any enjoyment these yards were
16 meant to bring.

17 So this is 1767 Lanier Place. This is, we
18 think, just flat out rude. The photo of this wall
19 could not display any better how homeowners are being
20 robbed of their light and air. And to compound this
21 loss a massive tree in this homeowner's yard, older
22 than the implementation of the current zoning regs,
23 was cut down to make way for this wall.

24 CHAIRPERSON HOOD: I'm going to ask that we -
25 - if your house is shown, I mean, that's great. Just

1 keep it to yourself. And I'm going to ask that we
2 help us get through this hearing because the
3 information that we need so we can make an informed
4 decision. So let's make sure we are orderly. You
5 may continue.

6 MR. SUSKI: Okay. Thank you.

7 MR. GAMBRELL: I'll take over from here.
8 This is actually on my street, and this is Argonne
9 Place, and our neighborhood is fairly unique in
10 Lanier Heights. Many of the row houses are actually
11 like this. We have open porches and the developer
12 came in and did close in the front. So that's an
13 example of how we've experienced some loss from a
14 four-unit conversion. The photo on the left, on the
15 right, is what happens in the back. And you may
16 think that, well, you don't see that from the front,
17 it doesn't matter. Well, you will hear from people
18 who live next door to that at the hearing tonight and
19 they will tell you otherwise what kind of impact that
20 has on their quality of life.

21 Here is another example, also on Argonne
22 Place. And the one of the left, of course, is
23 current conditions and the one on the right is
24 actually a plan that's since been abandoned. But I
25 thought, that's the only photo I had in terms of the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 plans. But this, again, would completely and
2 radically and may I say not in a very attractive way,
3 alter the street scape of Argonne Place.

4 Here's a home on 18th Street that I won't go
5 into the details. But you can see that the roof has
6 been removed. And it now is under a stop work order.
7 The drawing on the right is a proposal to also
8 convert that, again destroying the character of that
9 row house neighborhood.

10 Here is another one on 18th Street that I
11 noticed in one of the opponents of R-4 framed this as
12 new housing for new neighbors. Well, actually it's
13 quite the opposite. This structure, the roof was
14 removed by the developer who is, I believe, here
15 tonight as one of the opponents. There was a snow
16 collapse. The neighbors on each side were homeless
17 because their properties were condemned for 46 days.
18 They were only able to move back in this past
19 weekend. So yeah, it's the exception. It's
20 egregious, but we're quite concerned that these
21 exceptions might become the rule as this continues
22 because Lanier Heights is a hot market and people are
23 climbing all over the place for it.

24 MR. SUSKI: So addressing concerns really,
25 what are they and how are we going to handle them,

1 and I'd like to cover these in the next few slides
2 going forward.

3 So, regarding R-4, we don't see this as being
4 completely unique to the area. You know, we're not
5 looking for special treatment here. A nearby
6 neighborhood, Mount Pleasant, is also zoned R-4 and
7 shares similar characteristics of Lanier Heights.
8 Also Columbia Heights, Petworth, and Shaw, along with
9 Woodley Park and DuPont Circle, which aren't in the
10 mid-city but they are very close by. Adams Morgan
11 seems to be the only neighborhood in the mid-city
12 without any R-4 zoning.

13 So is this a precedent for other areas, and
14 we've heard a lot about this, and we don't think so.
15 You know, this is not part of our agenda. Every
16 neighborhood across the city is unique and will have
17 their own concerns to address this in their own way.
18 Different property types, streets, and commercial
19 corridors all warrant different types of different
20 ways to properly implement zoning.

21 So maybe the zoning for most neighborhoods is
22 already working for them, maybe not. We're not
23 trying to make that call. What we do feel is that
24 the zoning in our neighborhood doesn't necessarily
25 match what's best for the residents and that's what

1 we're hoping to address.

2 Regarding property rights, and if they'd be
3 diminished. This is kind of a loaded question and it
4 really depends on what rights are being discussed.
5 The right to build, add on, finish a basement, or an
6 attic, none of these rights are being taken away from
7 residents. But yes, the rules have been changing.
8 However, the infringement from construction no matter
9 what it is, always impacts someone, somewhere,
10 especially when it's next door to you. And what's
11 happening now is that everyone's right to light and
12 air is being threatened.

13 Excuse me. So as it stands, Lanier Heights
14 already has a diverse mix of housing options. I
15 think we've covered that and beat it, what is it,
16 dead horse. By rezoning the row house squares to R-4
17 we are striving to keep as many options available for
18 housing as possible. There are numerous apartment
19 buildings, condo and co-ops throughout the
20 neighborhood, and we need to remember that our row
21 homes are just another type of housing. Not only
22 have we shown the importance the row home plays in
23 providing family housing, we have also -- they also
24 provide additional rental opportunities. Many owners
25 of row homes rent out English basements at affordable

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 prices, and there are also a number of group homes
2 shared by college students and young professionals
3 throughout Lanier Heights. Neither of these rental
4 options would be available without the row home in
5 our neighborhood.

6 MR. GAMBRELL: Another concern has been
7 expressed. You may hear it tonight, that R-4 would
8 prevent expansion of row houses. And again, it's a
9 big no. All zone districts cap housing density as
10 you well know what R-5-B is, is FAR and lot occupancy
11 and R-4 is number of stories and lot occupancy. The
12 zoning, by definition, places limits on what can be
13 built. What does that mean in real human terms? It
14 means respect and consideration for each other.
15 Which is especially important when you live in a
16 tightly packed community.

17 MR. SUSKI: So, I'm sorry, excuse me. Is it
18 okay to change Lanier Heights Zoning Regulations? We
19 think so. The point is that regulations do change to
20 address new conditions, and that's just what we went
21 through with the ZRR. That's what we need for Lanier
22 Heights. That's why we need R-4, because Lanier
23 Heights is at a tipping point and without change we
24 will lose the row house portion of our neighborhood.

25 So does it make sense, and why did we request

1 this fashion of zoning? After meeting with Office of
2 Planning and discussing the best approach among
3 residents, this seemed like the best fit. Office of
4 Planning mentioned that an overlay was not ideal from
5 a geographic standpoint and that what was needed was
6 a zone. At the same time, OP also mentioned that
7 this type of zoning would not be a good fit for many
8 of the large apartment and condo buildings throughout
9 the neighborhood, and it's because of this that we
10 are only asking for this type of zone for the row
11 houses in Lanier Heights.

12 Concern has been raised that the Lanier
13 Heights rezoning proposal is for a noncontiguous
14 patchwork area. But actually if you look at the
15 zoning map you'll find distinct zoning codes in other
16 neighborhoods like, for example, DuPont Circle, which
17 includes R-5-B, R-4, and a number of other zones.
18 It's clear from looking at the zoning map that zones
19 are designed to work with the properties and that's
20 what we're trying to do.

21 So regarding property values, first it's not
22 all about the monetary value. And just because these
23 are our houses doesn't mean that they own our homes.
24 And the two words have very different meanings. That
25 should not negate the fact that, yes, we are of

1 course concerned about the monetary value of our
2 homes. Especially since almost everyone's life
3 savings and assets go into them and we want to
4 protect that.

5 This being said, the way most of us feel is
6 the only way to protect and keep this value is by
7 rezoning. Almost everybody is effected every time a
8 pop-up is built, be it an apartment, condo, or row
9 home. So many factors attribute to what stands to be
10 lost beyond light and air, and the degreening of
11 front and back yards, there is also the increased
12 crowding, noise, and potential damage to neighboring
13 homes from major construction.

14 Also, I spoke with a residential of DuPont
15 Circle who went through this process of rezoning a
16 portion of that neighborhood to R-4, and he and other
17 residents were very happy with the decision they
18 made, both from an economic, to which they felt no
19 impact, and quality of life point of view.

20 Regarding property values being diminished.
21 So real estate values are not something that can
22 simply be calculated with numbers. There are so many
23 factors that contribute to a home's value and its
24 potential value. Yes, right now home values in our
25 neighborhood are still in a health state due to many

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 factors. It's location, it's charm, it's
2 walkability, and yes it's housing diversity are all
3 contributing factors to our home values. Developers
4 are still paying premium prices for homes, and this
5 includes homes that are in excellent condition, to
6 convert them into condos and resell them at premium
7 prices. They're going to continue doing this --
8 they're going to continue doing this though, until
9 that price point on resale cannot be reached. And
10 one of those reasons will be because the conditions
11 that make this neighborhood a desirable place will no
12 longer exist.

13 Regarding the ZRR and the R-F-4 and R-F-5
14 zones that are going to be in there, they were in
15 fact something that we did look into. There were
16 several problems with these zones, however. One of
17 the issues with that, while we did know that they
18 were forthcoming, there was no definitive date when
19 we began this process. Also after meeting with OP in
20 November 2015, the discussion of a possible custom
21 zone was brought up. This was not something that we
22 felt was an option for us as this would mean starting
23 the entire process over with the neighborhood and the
24 need to reintroduce a major change to the ANC.

25 So although the R-F-4 and 5 zones do offer

1 some increased protections to row homes by putting a
2 cap on the number of dwelling units allowed, this
3 limitation does not do enough to help save our
4 remaining row homes from condo conversions. What's
5 more is that because so many residents are concerned
6 about their rear yards and gardens, the adding of
7 five additional feet to the rear yard minimum of 15
8 feet that we currently have in R-5-B just does not go
9 far enough to offer us adequate protections.

10 So in conclusion, this is our last slide.
11 Just to summarize everything we've gone over, we
12 believe that we have shown a number of important
13 issues and how we have addressed them or feel as
14 though an R-4 will help to address them. We've shown
15 how we R-4 increase density and population growth
16 when done properly and in the right areas. We've
17 gone through great lengths to incorporate the
18 community in this request and the ANC has done the
19 same thing through its meetings and special forums.

20 As well, a number of policies and action
21 items in the Comprehensive Plan will be fulfilled by
22 this change. And we have shown what has happened
23 across our neighborhood and its everlasting effect.
24 I'd like to add that none of us can predict the
25 future and that holds true for the population of D.C.

1 as well. And as the ebb and flow of the population
2 of D.C. occurs it's hard to anticipate what types of
3 housing will be needed and in what areas it will be
4 needed in.

5 One thing is certain, though, and that is
6 that different people have different desires and
7 needs when it comes to housing. And without the row
8 home we will have lost a very important staple of
9 housing that has served the city so well for so long.
10 There has been a need for these homes in the past and
11 there will be a need for them in the future, so
12 please don't deprive future generations of the
13 characteristics that only these wonderful homes can
14 provide.

15 I'd like to say that we do have a small video
16 of one more voice that we'd like to play for you.
17 It's a video of two people who were unfortunately
18 effectively kicked out of their home due to what's
19 happening across Lanier Heights, and they had been
20 there since 1958. So almost half a century.

21 [Video shown.]

22 MR. SUSKI: So, thank you very much. That's
23 the conclusion of everything we have and I appreciate
24 it.

25 CHAIRPERSON HOOD: Okay. I we want to thank

1 both co-petitioners for that presentation, and let's
2 see if we have any follow up questions up here, or
3 comments.

4 I guess we don't so I'm going to move right
5 on. Do we have any questions? That does it every
6 time.

7 MR. TURNBULL: Thank you. I'll start.

8 CHAIRPERSON HOOD: Mr. Turnbull.

9 MR. TURNBULL: I just want to say, I want to
10 thank you for your presentation. I think it was very
11 well organized and I think the community outreach
12 that you did, I think, and your presentation of it
13 with your meetings, I think was extremely well done,
14 I think. And, I mean, I think if you wanted to you
15 could provide some of that backup for the record, so
16 just so that we would have a listing of all the dates
17 and places and all that, I think that would be good
18 just to have on the record. But I think you did a
19 great job.

20 The option -- the other option, you said you
21 really didn't want to do that. But you really didn't
22 get into it. Could you explain a little bit more why
23 the option was something that would not serve you
24 well?

25 MR. SUSKI: Regarding the R-4 and --

1 MR. TURNBULL: Yes.

2 MR. SUSKI: Or R-F-4 and R-F-5 zones?

3 MR. TURNBULL: Yeah.

4 MR. SUSKI: Well, so when we started the
5 whole process you know, they didn't actually exist.

6 MR. TURNBULL: Right.

7 MR. SUSKI: So, and we didn't know when they
8 were coming.

9 MR. TURNBULL: Yeah.

10 MR. SUSKI: So it really was kind of off the
11 table for us at that point in time because we didn't
12 want to try and get to something that was going to be
13 six, seven years off. You know, we really just did
14 not know.

15 MR. TURNBULL: Okay.

16 MR. SUSKI: And looking at R-4 it just seemed
17 like the right fit to us, and something that we could
18 just start moving on.

19 MR. TURNBULL: No, go ahead.

20 MR. GAMBRELL: And I might add that looking
21 at the Office of Planning's report and their
22 principles and cross-walking that with R-4, I mean,
23 the match seemed, to us, to be so good there was --
24 then why go to another zone, four and five there,
25 proposed in the ZRR. Why not go with the R-4?

1 MR. TURNBULL: Okay.

2 MR. SIMPSON: One little element. As I noted
3 in my several years on the ANC and in community work,
4 this was again by far the most extensively grassroots
5 community led effort that I have yet seen. And one
6 of the things that I know from experience is that
7 it's very hard to get 100 people on to the same page
8 to pursue the same objective. Denis and others in
9 the area worked long and hard to do that. So
10 thinking about it from the perspective of an ANC
11 Commissioner I certainly understand why once they had
12 done the work of getting people on to that page,
13 without having at that time, any real alternative
14 option that actually existed, it makes sense to try
15 to stay on that page and keep everybody moving
16 forward.

17 We did, when we had the ANC special forum, by
18 that point we had somewhat of a sense about what some
19 of the alternative zones might be, and we asked
20 people to speak to the question of, you know, whether
21 they would be happy with the current version of R-4
22 or some tweaked version of R-4 that might be coming
23 out in the future. And people were okay with some of
24 the tweaks that might be coming out to the R-4
25 definition itself, but it was clear that they wanted

1 to proceed with what they had assessed as a group and
2 move forward with it.

3 MR. TURNBULL: Okay. I have a feeling that
4 either the majority or all of the people that you
5 represent are fully in favor of R-4, strict R-4
6 enforcement.

7 MR. SIMPSON: That's certainly the message
8 that was communicated to the ANC.

9 MR. TURNBULL: Okay. One of the items you
10 talked about, you talked about the quality of life
11 and I think we all respect that, and family values,
12 and the families. Do most of the conversions you see
13 are -- yeah, I think you had mentioned, are one-
14 bedroom, maybe two-bedrooms that are being built
15 primarily, predominantly one-bedroom or --

16 MR. SUSKI: Yes, that's what we're seeing.
17 For the most part. Primarily one bedroom. I mean, I
18 know there are some that are two. In fact we have
19 some in the neighborhood that are only two unit
20 conversions where they're much bigger than some of
21 the eight-unit conversions that we have.

22 MR. TURNBULL: Yeah. Okay. Well, thank you
23 again for coming down. I appreciate it. It was a
24 well-organized presentation.

25 MR. SUSKI: Thank you.

1 CHAIRPERSON HOOD: Commissioner Miller.

2 MR. MILLER: Thank you, Mr. Chairman. And
3 thank you petitioners, the ANC, for all the work that
4 you've done and for your presentation here this
5 evening.

6 I just had a few questions. And this may be
7 in what you -- the written material that you've
8 presented an what OP has presented, but I just don't
9 have it off the top of my head right now, and there's
10 some questions that occur to me.

11 So you do have mentioned here that there are
12 186 row houses in the neighborhood, but I assume all
13 of those aren't in the R-5-B portions. Some might be
14 in the C-2 portion or -- how many are in -- do you
15 know how many are in the R-5-B portion that would be
16 effected by this proposal, or is it 186?

17 MR. SUSKI: It's all of them. We didn't even
18 touch the C-2 zone. So any of the row homes that are
19 on that section or strip off of Columbia Road we did
20 not include.

21 CHAIRPERSON HOOD: Okay. So do you have --
22 and this may be in the written materials, as I said,
23 but if you know it off the top of your head, do you
24 know what percentage of the row houses in the R-5-B
25 area of the neighborhood have been converted to more

1 than two units, what percentage have been converted
2 to four units, what percentage have been converted to
3 more than four units, roughly?

4 MR. SIMPSON: I think it's one. No, two of
5 them that are two units. I think the majority is for
6 -- I don't have the numbers. I don't know if Alan
7 does. I'm sorry.

8 MR. GAMBRELL: I think you're referring to
9 relative to the 186, though, right?

10 MR. MILLER: Yes.

11 MR. GAMBRELL: Correct me if I'm wrong but I
12 believe that the Office of Planning report indicated
13 that fewer than 10 percent of the 100 and say, 86
14 properties have been converted. Is that correct?

15 MR. SIMPSON: Yeah, I think actually in the
16 neighborhood of around 10 actual properties. But I'm
17 not sure of the exact number.

18 MR. MILLER: Okay.

19 MR. SIMPSON: Percentage wise, maybe five to
20 seven percent.

21 MR. MILLER: And most of those have happened
22 in the last few years, I assume, since we've come out
23 of the Great Recession.

24 MR. SUSKI: It's probably 50/50. I mean,
25 we've seen a lot coming out, especially on Argonne

1 Place, with the four that are going on there right
2 now. So and then two on 18th Street.

3 MR. MILLER: Did the existing row house
4 housing stock, do you have any sense of what -- how
5 many are currently single-family, how many currently
6 are two-unit flats, how many are more than two units?
7 What percentage or --

8 MR. SUSKI: I don't.

9 MR. MILLER: Or it's within that -- oh, no.
10 That's a different -- it's a different question. The
11 existing stock.

12 MR. SUSKI: I'd say that most of the houses
13 are two units with like one home with an English
14 basement of the ones that have not been converted.
15 If that's what you're asking. I might be missing
16 what you're asking. Is that what you're asking?

17 MR. MILLER: Right. Yeah.

18 MR. SUSKI: Okay. Yeah. And finally, have a
19 sense of what the average -- I guess it would vary
20 because there is such a diversity of even row house
21 housing amongst the row houses. But do you have a
22 sense of what the average price of a renovated -- say
23 a renovated row house is in the neighborhood that has
24 not been converted to more than two units and how
25 affordable that is to the average person?

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MR. SUSKI: So we've seen them from -- what
2 was the one on Argonne? Eight something? Nine
3 fifty. So we see them from 950 up to 1.2 or so.
4 However --

5 MR. MILLER: For those that have not been --

6 MR. SUSKI: Right.

7 MR. MILLER: -- converted.

8 MR. SUSKI: That's correct. The most -- I'd
9 say probably the most expensive one that sold in the
10 neighborhood was sold for 1.45, I believe, and that
11 was converted into eight units.

12 MR. MILLER: Okay. Thank you very much for
13 that information.

14 MR. SUSKI: Thank you.

15 MR. MILLER: Appreciate your presentation.

16 CHAIRPERSON HOOD: Commissioner Gambrell, you
17 talk about the myth. Let's go down this because this
18 is actually a question I just asked two weeks ago
19 from here. I always here down here on the Commission
20 that when we do conversions we're making affordable
21 housing. And I will tell you, for the life of me
22 I've been trying to figure that out because I have
23 not -- and I'm not saying this trying to be funny. I
24 think people who have been down here know I've asked
25 this question, just did two weeks ago.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And I think you hit on exactly my point. The
2 argument is always made to this Commission that in
3 conversions we're dealing with affordable housing.
4 So I guess you see it how I think I see it. I
5 haven't seen it yet. So, you know, and I thought at
6 one time when I first heard it that maybe as we move
7 along it will eventually happen. But I'm going on 17
8 years on the Zoning Commission, and I haven't seen it
9 happen. So you mentioned a myth. And can you
10 expound a little bit? What do you think the -- what
11 are people looking at, or how do you interpret that
12 as far as dealing with conversions for affordable
13 housing? What is your perspective on that?

14 I know you said myth. I like that word,
15 because that's what it's been.

16 MR. GAMBRELL: That's a hard one. In terms
17 of what just simply what I've seen in terms of
18 conversions, not just Lanier Heights, but across the
19 city, you know, I'm a little nosey. I go to open
20 houses. Just shocked by the prices. I've been here
21 for, like I said, 30 plus years and I just hit a
22 brick wall in terms of thinking, how can people
23 possibly buy these places? I'm not even thinking
24 about moderate income individuals, or you know, low
25 income people are completely out of the marketplace.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Moderate income people, many young people, how can
2 they possibly afford these homes. The evidence is so
3 clear.

4 The reason I brought it up as a myth,
5 however, was that advocates for converting row houses
6 to four units have made the case that you will
7 collectively increase the housing supply to a point
8 where prices will start coming down. The supply and
9 the demand argument. And there's absolutely no
10 evidence that's going to happen, nor can there be any
11 evidence from the context of the Mayor's plan, and
12 frankly the plan of many individuals to explode the
13 number of people who will be moving into Washington,
14 D.C. Those prices are not coming down in these inner
15 city neighborhoods like Lanier Heights. They're just
16 simply not going to.

17 CHAIRPERSON HOOD: And I'm sorry, the
18 gentleman to my left, what's your name again?

19 MR. SUSKI: Suski, Denis Suski.

20 CHAIRPERSON HOOD: Suski. In your closing
21 remark, and I actually was trying to get my file back
22 up. In your closing remark can you just repeat -- I
23 like the way you phrased that, and I want to expound
24 on your closing remark. I just want you to repeat
25 that for me.

1 MR. SUSKI: Do you want the whole page?

2 CHAIRPERSON HOOD: No, not the whole page.
3 Do me a favor, give me the soundbite version.

4 MR. SUSKI: Okay. So I think the part that
5 you're looking for was about the ebb and flow of the
6 population of D.C. as it occurs, and it's hard to
7 anticipate what types of housing would be needed, and
8 in what areas it will be needed in. But one thing is
9 certain, and that is that different people have
10 different desires and needs when it comes to housing
11 and without the row home we will have lost a very
12 important staple of housing that has served the city
13 so well for so long. There has been a need for these
14 homes in the past and there will be a need for them
15 in the future so please don't deprive future
16 generations of the characteristic that only these
17 wonderful homes can provide.

18 CHAIRPERSON HOOD: Okay. I will tell you
19 that my concern is not just for Lanier Heights, my
20 concern is for the whole city. You know, I believe
21 that people should have a right to do certain things,
22 but at some point in time we need to have a stop.
23 And I mentioned this before to my colleagues. When I
24 went out to University of Maryland young folks out
25 there told me in a class that I was supposed to be

1 lecturing, they mentioned to me that one thing about
2 D.C. is, we weren't planning for their kids. They
3 might not like some of the things that we're doing
4 here, and then those things, what do we do with them?
5 They're going to have to be torn down.

6 I don't want to go onto a soapbox, that's a
7 whole issue. Again, it's about striking that balance
8 to make sure this city has the different types of the
9 housing stocks and I think they heard that loud and
10 clear from each one of you. So, thank you for your
11 presentation as my colleagues already mentioned, and
12 we'll see how this goes.

13 Any other questions up here? Okay. Let's go
14 to our list. Oh no, I'm sorry, Office of Planning.
15 Let's go to the Office of Planning. Mr. Jesick.

16 MR. JESICK: Thank you, Mr. Chairman and
17 Members of the Commission. The Office of Planning
18 doesn't have very much to add to our written report.
19 I'll try to keep it brief.

20 This has been, you know, one of the more
21 challenging cases that we've reviewed. You know, the
22 future land use map of the Comprehensive Plan calls
23 for moderate density residential. R-5-B would not be
24 inconsistent with that designation. R-4 would not be
25 inconsistent with that designation. And there are,

1 you know, obviously different policy goals that
2 either zone would satisfy.

3 We heard some discussion at the setdown of
4 possibly looking for some sort of middle ground, and
5 so we presented some bullet points in our report of
6 what that could potentially look like, some basic
7 principles of that. And I think the applicant
8 accurately reflected that it would be very similar to
9 the R-4 with a key difference probably being more
10 than two units as a matter of right as something that
11 could be considered.

12 But we just presented those ideas for the
13 Commission's consideration. But in terms of the
14 proposal for R-4, that would not be inconsistent with
15 the Comprehensive Plan. But so is the existing
16 zoning also not in consistent with the Comprehensive
17 Plan.

18 That concludes my verbal testimony but I'd be
19 happy to take any questions. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you, Mr.
21 Jesick. Commissioners, any questions of the Office
22 of Planning?

23 MR. TURNBULL: Mr. Chair -- Mr. Jesick,
24 either one would fit for the Comp Plan, but there
25 seems to be a neighborhood concern that the R-4 is a

1 better fit in the context of what's -- and the
2 concern about preservation of the r-4 neighborhoods.
3 OP have any more of a statement on that as far as
4 they see that also, or I don't want to put you in a
5 bind here, but I do. I mean, I guess we've always
6 been concerned about the R-4 neighborhoods and we see
7 here overwhelming support for the community to make -
8 - to do this gesture, to strengthen the R-4 by taking
9 this off R-5-B and going down.

10 MR. JESICK: Well, I agree, there has been a
11 lot of support in the record for the down zoning.
12 We've also seen in the record a number of letters
13 from opponents to the down zoning. So I don't know
14 that I can make a definitive judgment, you know, from
15 our point of view one way or the other, which has
16 more support or less. Certainly we place a lot of
17 value on the outreach that the applicant and the ANC
18 have done from the testimony we've heard this
19 evening. You know, we do place a lot of value on Mr.
20 Simpson's testimony that the ANC heard overwhelming
21 support.

22 MR. TURNBULL: Right.

23 MR. JESICK: And we do value the character of
24 the neighborhood and we want to preserve that special
25 feeling that they mentioned when you go into the

1 neighborhood.

2 MR. TURNBULL: Yeah. I guess one of the
3 things is, R-5-B as a matter of right, you can do a
4 lot of things that challenge what a row house area
5 can look like. And I think that's what I'm seeing
6 here as a response to matter of right development
7 rather than going to the BZA for a special exception
8 or a variance to do something. It's matter of right
9 and changing the character. Am I reading that right,
10 or?

11 MR. JESICK: Yeah. I think you're correct
12 that, you know, obviously you can do more units as a
13 matter of right. You can go higher as a matter of
14 right. The lot occupancy would be the same.

15 MR. TURNBULL: Right.

16 MR. JESICK: So there wouldn't be a change
17 there. But we were trying to look at all the
18 different policy goals --

19 MR. TURNBULL: Right.

20 MR. JESICK: -- of the Comp Plan to see where
21 these different zones would fall.

22 MR. TURNBULL: Okay. Well, thank you again.

23 CHAIRPERSON HOOD: Any other questions of --
24 Commissioner Miller?

25 MR. MILLER: Thank you, Mr. Chairman. The

1 level of nonconformity that would exist if this were
2 adopted, and I guess for different aspects it's
3 different levels, but I thought I saw a 20 to 30
4 percent range for different aspects. Is that
5 correct?

6 MR. JESICK: Yes. In our report beginning on
7 page 5 we do have a table that looks at some of the
8 different characteristics like height, lot area, lot
9 occupancy, and just for one, height based on our
10 initial analysis. And I should emphasize, this is
11 based on the best available data that we have. It
12 looks like about 20 to 25 percent of the properties,
13 for example, would be nonconforming for height under
14 R-4. So that's one example of the physical
15 characteristics of the neighborhood.

16 MR. MILLER: Has the city done similar down
17 zonings where there's been that level of
18 nonconformity of the housing afterwards?

19 MR. JESICK: We have done some down zonings.
20 DuPont Circle area was mentioned earlier. I don't
21 know that that sort of analysis was done for those
22 areas. My colleagues can weigh in if they --

23 MS. STEINGASSER: Well, you might remember
24 from the zoning analysis we did when we looked at the
25 entire Zoning Regulations, over 55 percent of R-4

1 properties are nonconforming for one angle or
2 another. So this particular neighborhood is far more
3 conforming to the R-4 standards than most.

4 MR. MILLER: And just overall, is the Office
5 of Planning making any recommendation? You're not
6 recommending support or opposition. You have
7 analysis which shows that R-4 would be not
8 inconsistent, and some analysis that shows that the
9 existing R-5-B is not inconsistent. But are you
10 making any recommendation? I didn't see one, if you
11 are one. But if you are, I'd like to hear it.

12 MR. JESICK: We have not made a
13 recommendation at this time, no.

14 MR. MILLER: Do you expect that to change
15 after the hearing or during the hearing process, or
16 before we schedule a vote?

17 MS. STEINGASSER: I think we're as interested
18 to hear from the audience and the residents of the
19 community as the Commission is. I will say we did do
20 a detailed analysis based on the best available data
21 that we had, and the neighborhood as defined by the
22 applicant is far more conforming to R-4 than it is to
23 R-5-B. It is an overwhelming row house built
24 environment, both in terms of lot occupancy, height,
25 and then just, you know, it's visual appearance is

1 very clear that's what it is. The R-5-B provides an
2 opportunity that's for redevelopment that's hinged
3 more on building code. So it would be the minimum
4 unit size allowed under building code as opposed to
5 the land area driven density that we typically see in
6 row house zones.

7 So that's one thing we're conscious of that
8 we've looked at. You know, and it gets -- the R-4
9 zone still does allow conversions. And about a third
10 of the properties that would be rezoned to an R-4
11 under this proposal would still have the opportunity
12 for a third or fourth unit through the special
13 exception process. So there would be an opportunity
14 for four additional density, in addition to the two-
15 unit flats, and as well to have public input.

16 MR. MILLER: Thank you.

17 CHAIRPERSON HOOD: Any other questions or
18 comments up here? Commissioner May.

19 MR. MAY: So I don't mean to just put you
20 more on the spot about the recommendation, but in the
21 past when we've done rezoning cases for large areas
22 of neighborhoods, didn't you come forward with actual
23 recommendations, and you know, for or against? Well,
24 presumably for, but I don't remember all of them.

25 MS. STEINGASSER: We have, yes.

1 MR. MAY: So I mean, it seems a little
2 puzzling to me that this is highly -- this
3 neighborhood is highly consistent with R-4 and there
4 is strong support. Obviously not universal support,
5 but strong support for doing it. And there's certain
6 planning reasons why it makes sense. Certainly it's
7 not inconsistent with the Comprehensive Plan. It's
8 supportive of a number of the objectives of the
9 Comprehensive Plan.

10 So why aren't you making a recommendation?

11 MS. STEINGASSER: Well, we have heard from
12 the opposition indirectly and we would like to hear
13 more from them and we're looking to be as informed by
14 this public hearing as the Commission. I mean,
15 you're correct, there are a lot of planning
16 principles that lead to the R-4. There is also the,
17 you know, increased population of the District that
18 was recently released and looking through how and
19 where we would accommodate growth. And I say that
20 ubiquitously for the whole District, not on the backs
21 of the row house zones. But how and where we would
22 look at that.

23 So we struggled with this one a little bit
24 more than we normally do. We did meet with Mr.
25 Gambrell and Mr. Simpson on several occasions. We

1 talked about the kind of things we'd look at and
2 you'll notice also in the maps that were provided,
3 they were very surgical in how they analyzed the
4 neighborhood. They didn't go after the apartment
5 buildings. They stayed away from the mixed use
6 designations on the Comp Plan, and they also stayed
7 away from the medium density areas on the Comp Plan.

8 So there is a strong case for the R-4, and
9 the ability, I think, to have additional density
10 through special exception was also of a use to us.
11 But I think we wanted to make sure that we had a full
12 hearing as well, before we made a final
13 recommendation.

14 MR. LAWSON: And if I might? Part of that
15 was also to hear what might be said tonight with
16 regards to some kind of an alternative. While we had
17 had that discussion with the applicants, we had not
18 heard from the community as a whole about whether
19 there was something other than strict R-4 or R-5-B
20 that might be of interest to the community. I think
21 we heard a lot of information tonight on that
22 specific issue, which I think was really informative
23 that that was not of interest. But I think that it
24 might be interesting to hear people comment on that
25 directly tonight. We haven't heard a lot of

1 discussion on that yet.

2 MR. MAY: Okay. So, assuming we left the
3 record open after the hearing you might come back
4 with a specific recommendation?

5 MS. STEINGASSER: Yes, sir.

6 MR. MAY: Okay. So the other question I had
7 is, you know, one of the things that came up in some
8 of the opposition was a concern about their
9 properties becoming nonconforming and therefore it
10 becoming more difficult for them to do ordinary kinds
11 of modifications to the property. You know, add a
12 small addition for a kitchen or things like that.
13 And I assume that that's something that we can -- I
14 think we talked about it at setdown that we could,
15 through a text amendment accompanying this, state
16 that existing R-4 -- sorry, existing homes in the
17 zone would be considered conforming. Is that right?
18 Is that something that we can do?

19 MS. STEINGASSER: Yes, it is something we
20 could do.

21 MR. MAY: We can do. Do we have actual
22 language to address that? I don't recall.

23 MS. STEINGASSER: Not as part of this case.
24 I think there may be some general nonconforming
25 language in the code, but we could make it specific

1 when working --

2 MR. MAY: Right. But we can basically make
3 sure --

4 MS. STEINGASSER: -- [Simultaneous speech.]

5 MR. MAY: -- that the folks who want to do
6 something that they would be able to do ordinarily as
7 a matter of right, but they happen to be
8 nonconforming because of lot width, for example, and
9 they've got a 16 foot wide house, they could --

10 MS. STEINGASSER: And we did address that in
11 the new zoning regs.

12 MR. MAY: Yeah.

13 MS. STEINGASSER: That will become effective
14 in September, especially relative to lot width.

15 MR. MAY: Right.

16 MS. STEINGASSER: The difference here now
17 would be that it would --

18 MR. MAY: It could excuse other things. I
19 mean, there are some height -- I mean, height
20 violations over the 35 feet, right? Things like
21 that, which I don't know if we addressed that in ZRR
22 or not.

23 MS. STEINGASSER: We did not, no. If they're
24 existing they're considered --

25 MR. MAY: I'm really impressed that you know

1 right off the top of your head what -- there's a lot
2 in the ZRR. All right. That's it for my questions.
3 Thank you.

4 CHAIRPERSON HOOD: Any other questions of
5 Office of Planning? Okay. Now I can go to the list
6 and I'm just going to call in the order whether
7 you're a proponent or opponent. The list I have only
8 has a few opponents to the proposal. So what I'm
9 going to do is just call in the order that your name
10 appears. If you can come up.

11 And also, before we get started I'm going to
12 ask, we have a number of people who we'd all like to
13 hear from and I think this is one of those cases
14 tonight where we're going to have to try to start
15 looking for a second date. So what I would like to
16 do is when you hear the buzzer I would ask you to
17 finish your sentence. Okay? So help me so we can
18 get through that so we can hear from everyone.

19 All right. Eric Lipton, Paul Alan Levy,
20 Bryce Jacobs, Nancy Huvendick, Alan Gambrell -- okay.
21 Commissioner, I called you again. But anyway, you
22 were part of the petition, so. Meg Staines, Paul
23 Zuckerberg, Larry Hargrove. Now, I called eight. I
24 think I need one more person. Tom Swegle. I thought
25 I needed one more person. Is somebody sitting there?

1 Oh, Mr. Hargrove. Okay. Okay, yeah, that's good.
2 All right, Mr. Zuckerberg, since you are already --
3 we're going to start with you. Turn your microphone
4 on.

5 I think I've seen you around. Did you run
6 for something? No, I'm just playing.

7 MR. ZUCKERBERG: I ran for something. Don't
8 remind me. Hope I do better tonight.

9 My name is Paul Zuckerberg. I live on Lanier
10 with my wife and two kids at 1779. My wife and I
11 also have our offices on Lanier. That's Zuckerberg
12 and Halperin Law Firm, and Adams Morgan Family
13 Dentistry at 1790 Lanier. So we're on Lanier day and
14 night, literally if that means anything.

15 We happen to like R-5 and we think R-5 is
16 going to be the best choice. Our home was built in
17 the early 1900s. It has seven bedrooms, over 4,000
18 square feet. It has four and a half baths and it has
19 four coal burning fireplaces. It's assessed at over
20 \$1.4 million. So it's not really affordable housing
21 and there's not going to be any new families with
22 young kids aren't going to be able to pick up our
23 place, and they're not going to send them to the
24 local elementary schools. If they are they could
25 afford \$1.4 million mortgage.

1 So these houses, because of their size, and
2 we have some of the larger ones, which would be
3 nonconforming, they've always been used at higher
4 densities than the typical R-4 neighborhood.

5 On our block, and I'm specifically talking
6 about the southern portion of the 1700 block of
7 Lanier, we have a gas station which is now a fancy
8 restaurant. We have a tailor shop, we have a grocery
9 store. We have my law office, my wife's dental
10 office, we have a firehouse, we have a boutique
11 hotel, and we have a hospice. We also have a daycare
12 center and we have a bunch of group houses.

13 So historically, from our perspective, at
14 least our block has been a lot more intensive than a
15 typical R-4 neighborhood. If you don't like noise
16 and if you want perfect tranquility, don't move in
17 next to a firehouse. And yet, that's one of our
18 historical buildings.

19 By the way, the firehouse and all of the
20 apartment buildings stretch from the curb all the way
21 back to the alleyway. So we don't have the
22 traditional pop-back problem that some neighborhoods
23 have, although there are some pop-back problems. On
24 our section we don't because all the apartment
25 buildings stretch all the way from the street to the

1 alley, and the firehouse does, the hotel does, and a
2 lot of other buildings do as well. So we are really
3 closer, historically, to an R-5. The only reason you
4 could argue R-4 is if you eliminate all the apartment
5 buildings. But they're an integral part of the
6 neighborhood.

7 And these are all on side streets. Now,
8 there were four row houses that were converted to
9 multiple units on the 1700 block of Lanier. Two of
10 them were uninhabitable. That is next to the fire
11 station and one of the row houses next to mine had
12 deteriorated so much that you couldn't even go inside
13 them. They were condemned. Even the rat people, the
14 city we call the city rat people, they wouldn't enter
15 these properties.

16 The other two, which were converted, were in
17 very poor shape. They had been group homes and
18 rental homes for many years.

19 Our home is 100 years old as are most of
20 these houses. The question is not whether we're
21 going to keep the same or change, we're going to
22 require capital improvements to keep these properties
23 habitable. And people just don't want seven bedroom
24 homes anymore, with deferred maintenance and leaky
25 roofs and brickwork that's all messed up. It's not

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 just that builders want to build two-bedroom
2 apartments. It's that people want two-bedroom
3 apartments. They want smaller spaces, or that's the
4 only thing that they can afford. They want a smaller
5 carbon footprint. They want a more modern layout.
6 So these conversions are making products that people
7 want and the young people are coming to the
8 neighborhood.

9 Finally, I'd like the Commission to consider
10 that we are in the Adams Morgan BID. The 1700 block
11 of Lanier is in the business development district.
12 We are all taxed mandatorily every single year. We
13 have to pay tax to the BID whose purpose is to bring
14 people on to Lanier Place. That's their purpose. We
15 budgeted over \$600,000 for outreach, advertising,
16 marketing, to bring people to Lanier. That area
17 which is part of the BID, which is the southern part
18 of Lanier Place, our block, and the eastern portion
19 of Ontario Road, they're zoned commercial, we pay
20 extra money, and we shouldn't have those areas
21 downzoned to R-4.

22 CHAIRPERSON HOOD: Thank you very much, Mr.
23 Zuckerberg. And also I want to thank you for being
24 an example of stopping when you hear the buzzer. So
25 everybody after you is going to follow your lead.

1 MR. ZUCKERBERG: I learned that from the
2 campaign.

3 CHAIRPERSON HOOD: Okay. Everybody is going
4 to follow your lead. Okay. Mr. Hargrove.

5 MR. HARGROVE: Chairman Hood, Members of the
6 Commission, I'm Larry Hargrove. I'm speaking for
7 Kalorama Citizens Association. We thought first a
8 little prehistorical perspective might be useful at
9 this stage. Washington's row house neighborhoods
10 were generally over zoned in the 1958 Zoning
11 Regulations. That's clear. Rules for the R-4 and
12 the R-5 districts covering large areas of the city
13 built in a then fashionable bias toward treating row
14 house areas as irredeemably blighted and as grist for
15 the redevelopment mill, and therefore they imposed
16 substantially higher heights and greater densities
17 than were reflected in the row house neighborhoods as
18 actually built.

19 It was only decades later, as the District's
20 population began increasing and the housing market
21 heated up in earnest, that the destructive effects of
22 redeveloping -- over redeveloping row house
23 neighborhoods to these more lenient development
24 standards became significant and eventually reached
25 something approaching epidemic proportions. These

1 efforts are manifest in the sometimes grotesque,
2 architecturally grotesque incursions that destroy the
3 aesthetic integrity of an entire row. But perhaps
4 more importantly they are manifest in that they erode
5 successful family communities by replacing family
6 friendly housing with collections of undersized and
7 overpriced units that met maximizing return in a
8 short-term market. Lanier Heights provides a
9 textbook example of this process, exemplified in
10 project by project as you have seen.

11 In response to this problem the Comprehensive
12 Plan as you have repeatedly heard, contains a large
13 number of provisions that collectively mandate that
14 the scale, character, and architectural integrity of
15 the city's row house neighborhoods are to be
16 protected, and that changes in zoning, including
17 specifically selective down zoning are to be an
18 integral part of that protection. So down zoning is
19 not a dirty word, but is specifically called for in
20 the plan.

21 And while increasing the housing supply is
22 also of course a pervasive and important objective of
23 the Comprehensive Plan, there is nothing in that plan
24 that suggests that these two objectives are
25 incompatible or that such an increase in housing

1 could probably be promoted at the expense of
2 protecting the character of the social function of
3 these row house neighborhoods. In fact the contrary
4 is the case.

5 The good news is that in the course of the
6 last two years, the Commission, with the assistance
7 of the Office of Planning, has taken significant
8 steps toward implementing the Comp Plan's mandate in
9 this respect. The order in the R-4 case did a great
10 deal to correct the mismatch between zoning and the
11 built in [garbled speech] that zone. In the
12 penthouse case, 14-13, the Commission adopted a set
13 of significant protections of row houses against
14 visually intrusive roof structures, to which the row
15 houses would have been disproportionately vulnerable.

16 And in response to another explicit mandate
17 in the plan, the Commission created two new row house
18 zones specifically designed to afford through map
19 changes such as are called for in the present case,
20 protections to current R-5 neighborhoods that have
21 larger row houses and can therefore accommodate more
22 than two units, but which do need lower height limits
23 and/or limits on the number of units in storage.

24 What is now being proposed for Lanier Heights
25 is just another step in this process of implementing

1 the Comprehensive Plan's mandate. But the mismatch
2 for R-5 districts, and thus for Lanier Heights,
3 remains. And while these factors that have generated
4 the mismatch, which include the allowance of an
5 unlimited number of units and an unlimited number of
6 stores -- storage and accommodation with an excessive
7 50-foot height limit. These factors remain. But in
8 practice the pressure for pop-up development in R-5-B
9 neighborhoods is likely to increase, intensify, as
10 the reforms that are currently applicable in R-4
11 significantly curtail pop-up development of that zone
12 and redirect that pressure to R-5-B.

13 R-5-B, incidentally, has been the more
14 attractive market for this sort of development all
15 along. So, this proposal for a selective down
16 zoning, from R-5-B to R-4 is not unique as you've
17 heard. The Commission is already enacting such map
18 changes for other neighborhoods. Some in DuPont
19 Circle, some in Columbia Heights.

20 As you have also heard just this evening,
21 OP's data on Lanier Heights as built makes clear that
22 the requested rezoning is also just right for Lanier
23 Heights.

24 CHAIRPERSON HOOD: Mr. Hargrove.

25 MR. HARGROVE: So we --

1 CHAIRPERSON HOOD: Mr. Hargrove, we do have
2 your testimony.

3 MR. HARGROVE: And we urge you to adopt
4 the --

5 CHAIRPERSON HOOD: We're going to follow --
6 we're going to follow --

7 MR. HARGROVE: Right.

8 CHAIRPERSON HOOD: Okay. Good. Thank you.
9 Next.

10 MS. JACOBS: Hi. Good evening, everyone.
11 I'm Bryce Jacobs. I live at 1833 Ontario Place. My
12 husband and I bought out house in 2004, particularly
13 because it was a family friendly street with families
14 living in single family row homes. It was a tree-
15 lined street with lots of character. And because it
16 was already dense as it was. We like density. We
17 like living in the city and we like that there's a
18 diverse array of housing in the neighborhood.
19 Particularly with the new apartments and condos that
20 have been coming into our neighborhood. The gas
21 station is now not only a restaurant but a many,
22 many, many unit apartment building with more coming
23 on line. So we like that there's a diversity, but we
24 also want to keep the single-family homes that do
25 exist so we can really be actually diverse.

1 We live in a three-bedroom house, not a
2 seven-bedroom house. The majority of the single-
3 family row homes in the neighborhood are more like
4 three bedrooms. We do not even have an English
5 basement, so really to keep this three-bedroom
6 housing stock in the neighborhood is really
7 important. As you've heard before a lot of the
8 apartments and when they're converted are one to two-
9 bedrooms. There is really a lack of three-bedroom
10 homes in the District, specifically in Adams Morgan
11 as well.

12 We live next to an empty property right now
13 that is trying to be developed into four units. It
14 is like a full-time job trying to keep track of what
15 is happening there and I really don't think that more
16 people in the neighborhood need to be spending their
17 time making sure that their light and air, like mine
18 has already been encroached upon. We bought our
19 house because there's outdoor space. We love having
20 the outdoor space. And now we look at a big concrete
21 wall.

22 So it's really a problem for our quality of
23 life. We also think that the noise is a problem. As
24 you heard from the commissioners, the party walls
25 really do not, as much as the developers say that

1 they keep the noise out, do not. And having as many
2 as eight to 10 people living next door really is a
3 problem. You hear the steps every single day of
4 people running up and down the stairs.

5 So I have been at many of the neighborhood
6 commission meetings. There is overwhelming support
7 from the neighborhood to move to R-4, to really keep
8 the integrity of the neighborhood and why so many of
9 us moved to the neighborhood to begin with.

10 CHAIRPERSON HOOD: Okay. Thank you. Next.
11 Turn your mic on. Turn your microphone on.

12 MR. LEVY: I'm Paul Levy. My detailed
13 statement is presented for the record. I emailed it
14 in last week, but I've updated it a little bit in
15 particular to address some of the factual claims from
16 some of the other witnesses, including claims by Mr.
17 Zuckerberg, which I believe to be incorrect.

18 Just the highlights. I was one of the first
19 residents of Lanier Heights to speak up against pop-
20 ups because one was built next to us. And I
21 certainly share the concerns that other people have
22 spoken about, about going up and going back and the
23 loss of light and air. But that's not my principle
24 concern. My principle concern is the preservation of
25 family housing.

1 My wife and I had the benefit of being able
2 to raise a family close to downtown so we could walk
3 to work and send our kids to the local schools. I
4 think it's not correct that people who buy in our
5 neighborhood don't want to send their kids to the
6 local schools. A new generation of children of young
7 kids are on our streets and we don't want that
8 generation of young children to be the last in
9 this neighborhood.

10 We also enjoy knowing our neighbors, many of
11 whom have stayed over the long term. Many of the
12 people from whom you will hear tonight are people
13 with whom our kids grew up. Such long term residence
14 is much less likely when apartments have only one
15 bedroom or a so-called two-bedroom. I go to these
16 open houses with bedrooms the size of dorm rooms.
17 They're likely inhabited by transient people who will
18 want to find a larger place when they can afford more
19 and when they want to raise a family, having
20 children.

21 Now the neighborhood has many apartments for
22 those who don't need that much space, and many more
23 are coming on line. But family housing is threatened
24 because row houses can be more profitable if they are
25 cut up into small apartments. The immediate

1 financial pressure, to be sure, is for apartments
2 with couples. But we want to preserve for future
3 generations, what our family has been able to enjoy.
4 The danger without rezoning is that row houses, where
5 the might move as we moved from an apartment in this
6 neighborhood, to be able to raise a family, will no
7 longer exist.

8 My written testimony presents data on D.C.
9 spending to rebuild close in schools, but another
10 witness in this panel will address that. It's her
11 professional specialty. Enabling cut-ups and pop-ups
12 is not a means to achieve affordable housing. Cut-up
13 apartments tend to be more expensive. In my written
14 testimony it presents data, both showing that the new
15 condos being created out of row houses are the most
16 expensive living space in the neighborhood, both by
17 comparing the costs of the new condos to the cost of
18 units in full apartment buildings, and comparing the
19 cost per square foot for the row houses on the one
20 hand and the cut-up apartments on the other hand.

21 This is a proposal that enjoys very
22 widespread support in the neighborhood. I really
23 don't feel myself qualified to comment on this
24 precise issue of R-4 versus some other zone. You
25 know, if you asked me for something in my legal area

1 of specialty, I can talk about that. It's hard for
2 me to sort of know what the other things might
3 intend.

4 CHAIRPERSON HOOD: Thank you. Next.

5 MR. LIPTON: I'm Eric Lipton, and the house
6 that I live in at 1731 Lanier Place, which is 106
7 years old, can be traced back to a time when banker
8 Archibald Mclean and an eminent Smithsonian
9 researcher named George Brown Good developed Lanier
10 Heights with good encouraging fellow families from
11 the Smithsonian that purchased lots.

12 And it's a place today that a century later
13 my wife and I are raising two incredibly cute little
14 girls, age 3 and 20 months, and it's a place we walk
15 our daughter, Layla, to school at H. D. Cooke every
16 day, or we go to the local playground and Layla sees
17 her neighborhood friends like Danny and Sonia.

18 And sure that there are apartments buildings
19 as well on our street, and a mix of apartment
20 buildings and single-family homes is a great thing.
21 But if this zoning is not changed, if each one of
22 you, Mr. Hood, and Ms. Cohen who is not here tonight,
23 or Mr. Miller, Mr. Turnbull, and Mr. May, if you vote
24 no on this you're essentially saying good riddance to
25 our neighborhood as it is today because the real

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 estate developers are already going until you imposed
2 a temporary freeze, house to house offering us cash,
3 cash to buy our house, \$200,000 over what the market
4 would bear. And no questions asked. I get the
5 letters every other week, although they stopped when
6 you imposed the freeze, saying, we want your house.

7 The District of Columbia is going through a
8 population boom that requires a significant increase
9 in housing. The complexes that were built at Lanier
10 Place and Calvert, that was a great improvement for
11 the neighborhood. The Old Ontario Theater, that's a
12 great improvement. Those are where, on the main
13 thoroughfares, multifamily housing belongs. But
14 Lanier Heights today is still a predominantly
15 townhouse neighborhood.

16 And when Mr. Zuckerberg says that it's
17 more -- that the homes today are not affordable, just
18 look -- you know, that's false. And if you talk
19 about a rumor that these new things will create
20 affordable homes, that's false. There's a house
21 right now on Ontario Place that's for sale for
22 \$949,000. There is an eight-unit complex that was
23 just built on Lanier Place. For one two-bedroom unit
24 they want \$1.18 million. Okay. So for a two-bedroom
25 unit, there's eight units in that building, and for

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 one of the units they want over a million dollars, as
2 opposed to the single-family home that you could buy
3 on Ontario Place for 949 while the freeze is on,
4 until that's taken off and the developers want it for
5 \$200,000 more.

6 Zoning regulations exist to help preserve
7 communities while still allowing them to grow and
8 mature. If you were to allow money to decide you
9 would knock down every single single-family home on
10 Lanier Heights and put multifamily housing in there
11 tomorrow. But the Zoning Commission is here to help
12 us preserve a community. And I think that I watched
13 across the street from me as they ripped out every
14 historic feature at 1726 Lanier Place, and they
15 turned it into an eight-unit condo complex.

16 And the problem is not just the front of the
17 street, but they constructed this towering brick wall
18 that makes the neighboring house what was once a
19 paradise in their back yard, now it's a prison yard,
20 because there -- and I think that what you need to do
21 is to help us remain as a community of neighbors that
22 know each other, of single-family homes, and
23 apartment buildings living together.

24 CHAIRPERSON HOOD: Thank you. Next.

25 MS. HUVENDICK: My name is Nancy Huvendick.

1 I live at 698 Lanier Place Northwest with Mr. Levy.
2 And thank you for the opportunity to speak tonight.

3 I urge the Commission to approve the change
4 to R-4 zoning in Lanier Heights as a sensible way to
5 manage increased density while supporting the
6 diversity and livability of the neighborhood.
7 Diversity and livability, which has been a major
8 factor in spurring on the growth.

9 I am a 30-year resident of Lanier Heights and
10 I have been pleased by the increased residential and
11 commercial density we have seen over the years. The
12 row houses are crucial to preserving this increasing
13 vitality because they help preserve green space, they
14 foster greater diversity, they support a strong base
15 of families with children and they make sustainable
16 use of the District's public school investment.

17 Small row house yards provide critical green
18 space beyond the street trees on the public
19 sidewalks. Trees and shrubs in these yards cut down
20 on heat island effects, and soak up storm water.
21 They help sustain wildlife by extending the habitat
22 area of nearby Rock Creek Park.

23 Trees need light and shade and so do people.
24 Pop-backs and pop-ups nearly cover their lots to
25 maximize profit. They greatly diminish green space

1 by cutting out sunlight and reducing air circulation
2 to all the residents.

3 It is easy to see the extent of the
4 degradation on the Google Earth shot attached to page
5 3 of my testimony, where very little green space is
6 visible along the alley behind Ontario Place, except
7 where row houses remain. This is the area that is
8 across the street from where Mr. Zuckerberg lives.

9 By holding on to a diversity in housing we
10 can support a vital community in the future that
11 includes homeowners and renters of all ages and walks
12 of life. The row houses provide a critical supply of
13 prime housing. Most have several bedrooms, small
14 yards, and parking on site. It also adds to density
15 because most have basement apartments, with front
16 porches and back yards. They foster a community of
17 people who know one another and are committed long
18 term to the neighborhood.

19 The row houses can offer greater housing for
20 people with children. This encourages a stable
21 community of families that at best creates a
22 foundation of mutual support and community that is
23 particularly important to the parental leadership of
24 local schools, enhanced to the success of those local
25 schools. While I strongly support efforts to

1 increase new two and three bedroom apartments in our
2 new multifamily buildings, and I certainly support
3 provisions for low income family housing. The most
4 direct way to ensure a stable, viable community that
5 can nurture children is to preserve the row homes.

6 With 32 million spent on H. D. Cooke in 2009
7 and more than 62 million planned for Marie Reed next
8 year, the city will have invested close to \$100
9 million on the two public schools within one half
10 mile of this area. Besides education for children
11 these buildings provide open space, athletic space,
12 and assembly space for the entire neighborhood.

13 Without the row houses and the larger
14 apartments this public infrastructure will be used
15 primarily by families outside of the walkable
16 neighborhood, many of whom will have to drive young
17 children to school. If we believe that sustainable
18 communities include walkable elementary schools,
19 helping to preserve row houses adds immeasurably to
20 this end. Thank you.

21 CHAIRPERSON HOOD: Thank you. Next.

22 MS. STAINES: Good evening. My name is Meg
23 Staines. I'm a 20-year resident of Lanier Heights,
24 and I'm here this evening to urge you to support
25 rezoning our neighborhood to R-4.

1 Things are completely out of control in
2 Lanier Heights. Developers are robbing us of our
3 quality of life. The people who designed and built
4 Lanier Heights neighborhood placed a value on
5 aesthetics. They knew right from wrong. They
6 appreciated architecture, and they designed and built
7 houses where families would have what they need to
8 live a pleasant life, including lovely back yards.

9 Developers today see nothing but square
10 footage. They rob us of our back yards, our views,
11 our light, our air, our green space, the harmony of
12 long rows of back yards, some neighbors now have to
13 live with 50-foot tall walls along their backyards.

14 What about our property rights? For us,
15 Lanier Heights is not just square footage. I spent
16 my life savings to buy an extremely deteriorated row
17 house, sold as-is for \$220,000, with lots of
18 problems. I have spent the past 19 years fixing
19 those problems. Well, that all came crashing down on
20 me last spring when my next door neighbor sold their
21 house to the developers, who plan to demolish the
22 house and build a six-unit monstrosity that stretches
23 all the way to the alley. When he is finished and
24 the development on Columbia Road is finished, my back
25 yard and parking area will be surrounded on three

1 sides with 50-foot walls. I will lose sunlight, the
2 view of the sky, the air, and the enjoyment of my
3 back yard.

4 My neighbors on the other side of 1766 Lanier
5 are the loveliest people you could ever want to know.
6 They have lived at 1764 for 31 years, raised 13
7 children there. They are 83 and 85 years old and
8 every day they are in their back yard tending to
9 trees and vegetables and fruit trees and plants.
10 They're always working on something.

11 The 50-foot monstrosity will also block out
12 all sunlight to their yard. What about their
13 property rights? This is not just about row house
14 owners. The residents of the existing apartment
15 building adjacent to my yard will also be robbed of
16 their quality of life as they used to have a view
17 from their balconies of seven lovely row house back
18 yards. Soon, they will look at a 50-foot wall, 70
19 feet long. What about their quality of life?

20 The ever tightening parking situation, loss
21 of green space, and increased noise also affect
22 everybody. Our alleys are now an obstacle course of
23 garbage cans permanently stored in the alley because
24 there's no place to put them away. I do not know how
25 the developer will be able to underpin the foundation

1 enough to support a 50 foot building without
2 destroying my foundation and party wall. My roof
3 will be piled with snow drifts.

4 CHAIRPERSON HOOD: Thank you, very much.
5 Next.

6 MR. SWEGLE: Good evening. My name is Thomas
7 Swegle and I live in Lanier Heights at 1750 Lanier
8 Place Northwest, where I've lived with my husband for
9 those 17 years. We submitted a letter in support of
10 the proposed change in zoning from R-5-B to R-4, and
11 we support this change in order to preserve the long
12 contiguous blocks of early 20th Century row homes in
13 Lanier Heights. These beautiful row homes that
14 contain one or two units make up the predominant
15 characteristic of this neighborhood. If you walk
16 around it's indisputable.

17 And as Ms. Steingasser of the Office of
18 Planning stated, the neighborhood characteristic of
19 the area under consideration is much more of the R-4
20 type than R-5-B.

21 It is important to note that the proponents
22 of this zoning change in Lanier Heights are not
23 antidensity. We have not opposed sensible moves
24 towards greater density in our neighborhood, such as
25 the development of the gas station at the end of

1 Lanier Place into the Adommel (phonetic) apartments.
2 What we do object is to the conversion of these
3 beautiful row homes in Lanier Heights into pop-up
4 condos that greatly reduce the quality of life for
5 adjacent neighbors.

6 Currently most of us have outdoor space where
7 we can recreate, where our children can play, where
8 we can eat outside and do gardening. But when homes
9 have been converted into pop-ups and a 50 foot
10 cinderblock wall is built right up to the property
11 line, we see that this -- your back yard is plunged
12 permanently into shade. I saw it across the street
13 with my neighbors, BB and Fernando, when their
14 beautiful back yards was permanently plunged into
15 darkness by a 50 foot wall.

16 So you only need to drive down the alleys in
17 Lanier Heights to see the people who have been
18 permanently adversely affected by these developments.
19 As residents of Lanier Height row homes we receive
20 letters each week from developers who want to
21 purchase our homes, often for cash, no questions
22 asked. No inspection.

23 I fear that if the zoning change is not
24 approved you will see an increase in homeowners who
25 give in to the pop-up developers and sell out before

1 they find themselves at the mercy of a pop-up
2 developer who works next door to them. We all fear
3 that our homes and back yards will be the next ones
4 plunged into permanent shade by an oppressive
5 cinderblock wall along our property line.

6 As our submission indicates, a large majority
7 of the neighborhood residents that will be effected
8 by the zoning change supported the change to R-4 and
9 signed a petition in support. It's very
10 disappointing, really, to hear the Office of Planning
11 say they're not really sure which way got more
12 support. The support was overwhelmingly in favor of
13 the change. It wasn't even close.

14 So I urge you to support this and to support
15 the continued use of Lanier Heights for row homes by
16 making this change to R-4. I do want to say, also,
17 as somebody who has been part of this effort for
18 three years, it's hard after all the many meetings
19 we've attended to now hear, maybe we should consider
20 another zoning thing. You should do this zoning
21 change.

22 CHAIRPERSON HOOD: Okay. Thank you, very
23 much. I really want to thank -- hold your seats. We
24 may have questions. I want to thank everyone who
25 came close to when you heard the bell, the last

1 sentence. So I want you all to know that I
2 appreciate that because I want to make sure I hear
3 from everyone. So I'm going to again encourage those
4 that come behind you to do the same thing.

5 Commissioners, any questions of this panel up
6 here? Any questions? Commissioner May?

7 MR. MAY: Mr. Zuckerberg, what's the size of
8 the lot of your property? You have seven bedrooms,
9 but how big is the -- and 4,000 square feet. But how
10 big is the lot?

11 MR. ZUCKERBERG: That's a trick question.

12 MR. MAY: Can you turn your microphone on?
13 Can you turn your microphone on?

14 MR. ZUCKERBERG: I don't know the answer to
15 that. It's 20 feet wide lot. Does anyone know the
16 answer to that? It's 1779 Lanier. It's one of five
17 adjoining row houses that were built in 1907. It's
18 one of the larger --

19 MR. MAY: Lots.

20 MR. ZUCKERBERG: -- lots. I mean --

21 MR. MAY: I mean, the reason that's relevant
22 is that I mean, under the so-called 900 foot rule, if
23 you're an R-4 property, it is still possible to
24 convert to multiple units if you have 900 square feet
25 of land per unit. So if you had 3,600 square feet

1 you could still have four units and somebody could
2 make use of a very large house.

3 It is not a matter of right, but it's
4 something that is allowed by special exception under
5 the new R-4 rules. So that's why I was curious about
6 how large your lot was.

7 MR. ZUCKERBERG: I mean, it's -- we don't
8 have any intention of selling or moving or anything
9 like that. But it's getting increasingly --

10 MR. MAY: But you make a valid point about
11 the utility of a 4,000 square feet home.

12 MR. ZUCKERBERG: Well, it's --

13 MR. MAY: Right?

14 MR. ZUCKERBERG: And let me say this, many of
15 these homes were either boarding house originally,
16 boarding houses, or group homes as they are now. Or
17 other things, they were not --

18 MR. MAY: And that's common in many R-4
19 neighborhoods.

20 MR. ZUCKERBERG: Right.

21 MR. MAY: I mean, my house was a rooming
22 house at one point. But, you know, it was also a
23 beauty parlor. I mean, it's been a lot of different
24 things.

25 MR. ZUCKERBERG: So this, you know, family

1 values argument I'm going to have to say, and the
2 little children, these are boarding houses and bawdy
3 houses and traditionally they've been a higher
4 density because people don't need seven bedrooms.
5 Ours originally had, as many of them had servant's
6 quarters. Well, it's pretty much self-serve around
7 my house these days, and many houses.

8 So, you know, they must be -- the size of the
9 house, 4,000 square feet, as many of these are, calls
10 into now other houses you know, there's a distinction
11 between the large three-story houses and some of the
12 other two-story houses that are on the other side of
13 Lanier that are on Ontario and that are on Oregon.
14 So, I think -- and what I was saying originally,
15 those of us in the commercial section with the larger
16 row houses, have some claim to say that we can't have
17 a single-family home. The taxes we're paying at the
18 taxes on the assessed value, not what we paid 30
19 years ago. Utilities are running astronomical. And
20 so these houses are becoming increasingly difficult
21 and that is why many of them have fallen into a state
22 of dilapidation, like Stacy's home, and the other
23 houses.

24 MR. MAY: Okay. Thanks. You might want to
25 find out how much square footage you actually have so

1 that you can understand better what your rights would
2 be if we did rezone the property to R-4. It might be
3 helpful.

4 MR. ZUCKERBERG: There's nothing I can do.
5 But my estate might look into it.

6 MR. MAY: Okay. However you choose.

7 MR. ZUCKERBERG: Thank you, though.

8 MR. MAY: So, I guess I don't really have any
9 other -- I don't think I have any other questions.
10 It's nice to see you again, Ms. Huvendick. I hadn't
11 seen you in a long time and now I understand why we
12 were getting a lot of testimony about the schools and
13 the value of improvements to the various schools.
14 So, Mr. Levy, I'm sure you lived that whole
15 experience too.

16 And I also appreciate Mr. Lipton's testimony
17 and the fact that your children are in the local
18 schools, and it seems that even with the skyrocketing
19 real estate prices, it's actually probably more
20 important that the schools be in really good shape
21 and that people can go to these neighborhood schools.
22 And I'm glad that people are. It certainly was very
23 important, you know, when I was raising my children
24 and I didn't pay anywhere close to the prices that
25 the houses cost nowadays. So, I don't think I have

1 anything else.

2 CHAIRPERSON HOOD: Thank you. Any other
3 questions? I want to thank this panel. We
4 appreciate your testimony and coming down and
5 providing it to us.

6 Okay. Toby Olowofoyeku. Okay. Nancy
7 Raskin, Commissioner Gabriela Mossi, Craig Karp, Lou
8 Capanelli, Claudia McCloughlin, Jennifer Barger, Jose
9 Hernandez. We need an interpreter for Mr. Hernandez.

10 MS. SCHELLIN: [Speaking off microphone.]

11 CHAIRPERSON HOOD: He's going to read it in
12 English. Okay. Louis Kanaris. Kanaris. Oh, did I
13 call too many people? Okay. If everybody could just
14 hold off. Sorry about that. I thought I only had
15 eight. That's more than -- I think I called more
16 than eight, but we'll come back.

17 Is Mr. Hernandez at the table?

18 UNIDENTIFIED SPEAKER: Yes.

19 CHAIRPERSON HOOD: Okay. Okay. Okay. All
20 right. You may begin and if you could help me
21 pronounce your last name? I've seen it before.

22 MR. OLOWOFOYEKU: Okay. Toby, you can call
23 me Toby.

24 CHAIRPERSON HOOD: Toby. Okay. Thank you,
25 Toby. That helps me.

1 MR. OLOWOFOYEKU: I have lived in Lanier
2 Heights for 20 years in total. When I was going to
3 Howard University I stayed four years in Lanier
4 Heights. I've always loved the area. I left
5 college, I moved to London, I came back and lived in
6 Lanier Heights. Will you guys believe, I met my
7 first girlfriend in Lanier Heights. I met my wife in
8 Lanier Heights, and I still live in Lanier Heights.
9 And I had my kids in Lanier Heights, and we love our
10 home, and we'd love to -- we'd love them to continue
11 living there.

12 Lanier Heights is a culturally diverse mix of
13 local residents from the USA as well as immigrants
14 from Africa, Caribbean, Latin America, Middle East,
15 China, and Vietnam. A melting pot that's created
16 diverse cuisine, arts, crafts, dance, and
17 entertainment. The uniqueness of my area is
18 diversity. A visitor gets the feeling of being in a
19 foreign country in Lanier Heights.

20 Now I need to stick to the core points.
21 Alternative to pop-ups. We need creative town
22 planning, but with constraints to accommodate new
23 inhabitants without destroying the fabric and beauty
24 of our history. Planned development means shifting
25 new construction to lower density areas of D.C. and

1 easing the pressure on Ward 1.

2 Second point, loss of teenagers. My older
3 kid is 10 and the younger one is 7. And I've seen
4 her friends living on Lanier place leave and go
5 somewhere else. We're losing our teenagers in Lanier
6 Heights who will go to H. D. Cooke and Marie Reed in
7 the future. I have two kids. I have seen families
8 moving out. They mostly lived in single-family homes
9 which are now being depleted. Destroying our future
10 for short-term profit is not wise.

11 Second point, parking problems. Sometimes it
12 takes 30 to 40 minutes to find parking space.
13 Parking enforcement workers are very aggressive and
14 they are harassing homeowners. All buildings must
15 abide by existing parking regulations. No variances
16 or waivers. New buildings shall abide by this.

17 Third point, condo statistics and hotel. Two
18 20 room new hotel being built and then I'll quickly
19 jump to my recommendations. Rezone Lanier Heights to
20 R-4, limit single-family homes to two units, no pop-
21 ups or pop-backs allowed. Save God existing single-
22 family homes from being broken up so that we can have
23 a future.

24 CHAIRPERSON HOOD: Thank you very much.
25 Next.

1 MS. McCLOUGHLIN: Hi. My name is Claudia --

2 CHAIRPERSON HOOD: Is your microphone on?

3 MS. McCLOUGHLIN: There's a green light on.

4 CHAIRPERSON HOOD: Yeah, it's on.

5 MS. McCLOUGHLIN: Now there's a brighter
6 green light. My name is Claudia McCloughlin. I live
7 in the Ontario cooperative building. It's an
8 apartment building at the corner of Ontario and 18th,
9 so my apartment overlooks Lanier, all the Lanier's
10 and 18th Street and so forth, so I can see what's
11 happening in my neighborhood. I really hope you all
12 will support the rezoning to R-4. It seems like a
13 very reasonable move to take to protect the core of
14 single-family homes that provide diversity for our
15 neighborhood because we're so intensely developed
16 now, as you know.

17 I live in a 100 unit building. We've just
18 added some more. It's great. We all want dense. We
19 have a Hospice which is really welcome, and that
20 small hotel, Adam's Inn and so forth. But those are
21 all in existing houses. They haven't been popped up
22 or pushed out in order to be accommodated. I know
23 people who now live next to these walls and I would
24 be suicidal if somebody put a 50-foot concrete wall
25 next to my back yard. So I'm really hoping that you

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 all will support this.

2 And I will also say that very few people in
3 our building who have apartments large enough that
4 their children go to school, go to public school. So
5 there is that for the record too. I don't think
6 people in these houses are going to be sending their
7 kids to private school outside the District. Thank
8 you.

9 CHAIRPERSON HOOD: Okay. Thank you. Next.

10 MR. CAPANELLI: Yes, good evening. My name
11 is Lou Capanelli. I'm the owner of 1759 Lanier
12 Place. I'm in the minority this evening. There are
13 a number of other individuals that do support -- I
14 guess should say, oppose the planned rezoning. I
15 think what's interesting here is that the function of
16 this zoning and the planning 58 years ago of what
17 Lanier Heights would be, I don't think anybody ever
18 thought it would evolve. I mean, look at the photos
19 of Washington, D.C. in 1900. Look at it in 1950.
20 Look at it today. It's very interesting to see how
21 the city has evolved.

22 The city is the envy of many cities because
23 of the growth we have, the diversity we have, the
24 quality of schools and so forth. My position is, and
25 I have no intention of selling or building one of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 these homes, but it's really property rights. It's
2 something I take seriously. I think people that
3 understand property rights take seriously. And if
4 the trend that's being discussed this evening, and
5 I'm not here to split numbers on whether it was five
6 homes or seven homes or whatever, that's been
7 redeveloped over a 98-year period. But if this trend
8 even doubles, if it doubles, the city will have --
9 the Lanier Heights will have single-family homes for
10 200 years. Okay?

11 So there is a lot of emotion here, which I
12 understand and respect. However, what's equally
13 important, and it's in the public realm, is the
14 city's need -- I believe the current need is to
15 create 1,000 new dwellings per month. I believe
16 that's one of the most recent things that I read.
17 And, Mr. Hood, I think the term we should use is
18 workforce housing, not affordable housing. It's
19 certainly not affordable, okay? But we're trying to
20 accommodate what is an enormous number of people
21 coming to our city for jobs. And these conversions
22 fill the need. These people don't want, don't need,
23 can't afford big homes. So it's filling a need to
24 help the city to try to accommodate the growth.

25 My concern is, as a property owner is, it's a

1 creeping effect, is first, you know -- and it was a
2 major rezoning. I think it was 35,000 homes are
3 protected through the new R-4 zoning. That's
4 significant for people that want a single-family home
5 only. They have thousands and thousands of
6 alternatives very close, very close.

7 When you have density -- I'm not a planner by
8 profession, but I understand when you have existing
9 infrastructure, you build near it. Thank you.

10 CHAIRPERSON HOOD: Thank you. Next.

11 MS. RASKIN: Hello. My name is Nancy Raskin
12 and my husband and I bought our house in 1969, so I
13 think we probably qualify as -- except for those two
14 people in the video, as some of the people who have
15 lived here the longest. And when we bought the home
16 the neighborhood was dense. It had the same
17 apartment buildings, the same smaller apartment
18 buildings. But what it did have for us were these
19 lovely modest row houses. I do not live in a house
20 like Mr. Zuckerman. The ones that -- I may have said
21 his name wrong, I apologize. The ones that we live
22 in are very modest. They were built in 1911. They
23 are three stories and most of the houses, the row
24 houses on Lanier Place and on Ontario Place, are the
25 same thing.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 I have no objections to density because I
2 think it's a wonderful neighborhood. I love the
3 neighborhood. It's vibrant. But what I do object to
4 is to take these beautiful houses and destroy them
5 when there are commercial properties that have been
6 turned into apartment buildings, into rentals, or to
7 condos, and that is a perfect use of that space.
8 They're commercially zoned. Let them be turned into
9 what they can be used for; for more apartments for
10 those that are moving in.

11 When they took the beautiful building across
12 from us, a row house that had been restored, it was
13 lovely, and they ripped out the guts of it and
14 converted it into eight units. Now the top unit they
15 sold for \$1 million. Or it's up now for 1.2 million.
16 How is that affordable? And they destroyed something
17 that is so unique to the neighborhood and to
18 Washington, D.C. Washington has beautiful housing
19 stock. It has row houses.

20 And I think we need you to preserve -- help
21 us preserve that. And the only way that we see it
22 right now to be preserved is by going down to the R-
23 4. If we continue to be R-5-B it will be, little by
24 little, the end of this beautiful housing. So I
25 plead with you to please down zone. Thank you.

1 CHAIRPERSON HOOD: Okay. Thank you. Next.

2 MS. BARGER: I'm Jennifer Barger and I live
3 on Argonne Place, aka, Pop-up Alley. We live in very
4 small -- not small, but 1,800 square foot historic
5 homes and we are now looking at, among 17 homes, four
6 of them are going to go pop-up. The one that already
7 has, has blocked out the sweep of front porches that
8 existed for nearly 100 years, and it also has a tower
9 at the back that is blocking light out for the people
10 that are next to us. Or next to it.

11 I fear, because the other ones are coming to
12 me, that they're going to do the same thing. And I
13 think one of the interesting things as I was thinking
14 about the row house and why we wanted to live in a
15 row house is because it was part of a community and
16 we would feel linked to our neighbors. We would have
17 these porches where we could wave to them. We would
18 feel like we were participating in a community that
19 had been this way for years and was going to continue
20 to evolve in this lovely interconnected beautiful
21 historic way. And that's being taken away by rampant
22 development, and I just, I think something has to be
23 done to keep it somewhat in check or the entire
24 neighborhood will be teeny tiny condos that won't
25 even be affordable.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 CHAIRPERSON HOOD: Okay. Thank you. Next.

2 MR. KARP: Mr. Chairman, Commissioners. My
3 name is Craig Karp. I live at 1708 Lanier Place. I
4 brought up my two children in this house that I
5 purchased in 1991 and have lived there with some
6 interruption ever since.

7 The reason that we're here is a couple of
8 years ago some of the residents became very disturbed
9 about what was happening on Ontario Place and there
10 are some true architectural monstrosities out there.
11 And I really want to praise the ANC commissioners and
12 the activists in the neighborhood for putting
13 together a very comprehensive and inclusive process
14 that allowed the neighborhood, allowed everybody to
15 express their views and talk about what was happening
16 in the neighborhood and what their fears were.

17 As this process was underway I started to
18 receive offers for my house. And I found that the --
19 I appreciate people's desire to make a buck, but I
20 perceive them as essentially vulture capitalists that
21 were trying to drive me out of -- basically sire me
22 out of my house, pop it up, build it out, and move
23 eight people in there, much to the detriment, and it
24 would be great detriment, to my neighbors. One of
25 which has just has two small children.

1 So I strongly support the move for the
2 rezoning to R-4. I think that there is overwhelming
3 support. I realize that there are some people who
4 don't agree and I urge the commission and the Office
5 of Planning to look at a possible amendment or
6 thinking to accommodate legitimate concerns such as
7 allowing existing home owners to make moderate
8 accommodations to the existing residents without
9 adding new residences.

10 I think I would like to recall that in the
11 past, very large family houses were broken up into
12 boarding houses. And that often led to the
13 deterioration of neighborhoods, and I see that as
14 going to -- as probably going to happen, in our
15 neighborhood, even though these are very, very
16 expensive units.

17 And, Mr. Chairman, I want to address
18 specifically your question about affordable housing
19 because I believe that this process actually will
20 diminish affordable housing in the neighborhood
21 because some of these units, and when I was posted
22 overseas as a foreign service officer, my own house
23 were rented out to group houses. And these group
24 houses, they say maybe 700, 800, up to \$1,000 for a
25 dwelling for one person, and where as these new units

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 that are being built, that monthly equivalent is
2 probably about \$3,000. So I think that that's a real
3 difference in affordable housing, so I think it will
4 diminish. Thank you very much.

5 CHAIRPERSON HOOD: Okay. Thank you. Next.

6 MS. MOSEY: Yes. Good evening. My name is
7 Gallia Mosey and I am an ANC Commissioner, and I also
8 represent part of Lanier Heights. I want to be very
9 brief. I do not live in a row house. I live on the
10 Ontario, which is a beautiful co-op, and many of my
11 neighbors I'm glad to see here. And as an ANC
12 representative, my job was to hear the neighbors and
13 give them a forum and give them a voice, give them
14 opportunities to voice their concerns. I think we
15 gave many opportunities for folks to come and speak,
16 to write to us. We had, I think, a very open
17 process.

18 I received many, many e-mails. And yes, I
19 did receive some opposition. But the overwhelming
20 majority said, we want R-4. We tried to inform
21 people of what R-4 would mean, what this entailed,
22 and people still agreed and they still want R-4. I
23 think we have all become experts on all kinds of
24 zoning without necessarily wanting to dive into all
25 of these details.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 But I do commend all my neighbors on both
2 sides for looking into this, doing their homework,
3 and again, I think the majority has spoken. So I am,
4 again, I voted to support because again, it's
5 overwhelming what the neighborhoods have told us.
6 And this is what they want. And personally I would
7 like to preserve the neighborhood, you know, and
8 preserve the single-family homes. But again,
9 personally, it does not affect me. I live in an
10 apartment.

11 That said, that is all I'd like to say.

12 CHAIRPERSON HOOD: Thank you. Next.

13 MR. HERNANDEZ: Hello, everyone. My name is
14 Jose Eduardo Hernandez. I would like to express my
15 support for the changes zoning for Lanier Heights to
16 R-4 from the current R-5-B.

17 I grew up in the house at 1764 Lanier Place
18 with my 12 siblings, eight of us attended D.C. Public
19 Schools, including H. D. Cooke, Wilson, Francis, and
20 Lincoln. The other siblings were older at the time
21 we moved here. My parents, Jose and Candalardia
22 (phonetic) still own the house. I lived there for --
23 that they lived there for 31 years.

24 They have worked hard on the maintenance and
25 care of that house, and me and my siblings still

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 spend a lot of time there visiting our parents who
2 have worked hard all their lives to take care of the
3 house. On special occasions like birthdays and
4 Mother's Day, most of siblings and their children go
5 to our parent's house and enjoy celebrating in the
6 back yard. My parents got a wide variety of plants
7 and trees in the back yard. Some of which are from
8 El Salvador, our native country.

9 The developer who bought the house plans to
10 build a 50-foot-tall wall existing only 31 foot right
11 now. They encompass the entire building. There is
12 existing stores, apartment building behind us after
13 the new building is built. There will be no sun in
14 my parents' back yard. How could someone be allowed
15 to build a huge building so out of scale of the
16 adjustment row houses and take away the sunshine from
17 my parents who love their garden and grow some of
18 their own foods in the back yard. That's it. Thank
19 you. Bye.

20 CHAIRPERSON HOOD: Okay. Thank you very
21 much. Thank all of you all. Let's see if we have
22 any questions up here. Any questions? Nobody.

23 I do have one for Ms. Raskin. You mentioned
24 that something was going on across the street from
25 your house. Is your house right near -- is that an

1 alley? Is it a house?

2 MS. RASKIN: Yes, that's the one on the
3 alley.

4 CHAIRPERSON HOOD: And what's going on with
5 that house? There's some work?

6 MS. RASKIN: It was torn -- I mean, it was
7 gutted and they converted it into eight units, eight
8 condos.

9 CHAIRPERSON HOOD: Eight condos.

10 MS. RASKIN: Eight.

11 CHAIRPERSON HOOD: Okay.

12 MS. RASKIN: From a lovely house with --

13 CHAIRPERSON HOOD: What about --

14 MS. RASKIN: -- original hardwood floors.

15 CHAIRPERSON HOOD: What about the house next
16 door to -- was any work done or to that house next
17 door?

18 MS. RASKIN: The house next door is a row
19 house that has been maintained and they no longer
20 have light in their back yard from this.

21 CHAIRPERSON HOOD: So it was a pop-back also?

22 MS. RASKIN: Correct.

23 CHAIRPERSON HOOD: All right. Thank you.

24 Any other questions? Thank you all very much. We
25 appreciate your testimony.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And, Mr. Capanelli, we could talk about
2 workforce, affordable, we could have that discussion
3 but we'll do that at another time.

4 Okay. Let's see if I can move right along.
5 I think I called Mr. Louis Kasanaris (sic). Louis
6 Kasanaris. Nick -- oh, was he on the --

7 [Participant speaking off microphone.]

8 CHAIRPERSON HOOD: You're speaking on behalf
9 of him. Okay. Come on up. Nick Lockwood. Nick
10 Lockwood. Okay. B.B. Otero. That's a name I
11 recognize. Ron Baker.

12 Did I skip over somebody? That's what
13 happens when I do side comments. Amanda Sour.

14 [Participant speaking off microphone.]

15 CHAIRPERSON HOOD: Okay. Tell her we
16 apologize. Okay. Did I call Ron Baker?

17 MR. BAKER: Yes.

18 CHAIRPERSON HOOD: Okay. Richard Aronberg.
19 Richard Aronberg. Okay. Anna Bruno.

20 MS. BRUNO: Oh, that's me.

21 CHAIRPERSON HOOD: Okay.

22 MS. BRUNO: That's me.

23 CHAIRPERSON HOOD: You going to do yours and
24 your father's?

25 MS. BRUNO: Well, I speak for the family.

1 CHAIRPERSON HOOD: Oh, you're speaking for
2 the family. Okay.

3 MS. BRUNO: Yes. Thank you.

4 CHAIRPERSON HOOD: Let me see, how many more
5 seats do we have? Keith Parsons. Marina
6 Burmistrova. Burmistrova. Forgive Mr. May for
7 messing up your -- I mean, me for messing your name
8 up. Bonne Roberts Burke.

9 Now how many people do -- oh, I do have some
10 more people on the list. Okay. All right. Let's
11 start to my right, your left. Person speaking for
12 the family.

13 MS. BRUNO: Yes.

14 CHAIRPERSON HOOD: If you can identify
15 yourself you may begin.

16 MS. BRUNO: Okay. Thank you. My name is
17 Anna Bruno and I'm speaking as a past residence of
18 Lanier Heights and as a member of my family who lives
19 on Argonne Place. My parents, Mr. Luis and Anita
20 Gonzalez moved from a small apartment on Mount
21 Pleasant Street in Mount Pleasant to Argonne Place in
22 1965. My parents are from South America and it was
23 my parents' desire to own a house in which to raise
24 their children. Adams Morgan provided that
25 opportunity and an environment rich in racial and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 ethnic diversity.

2 My brother, sister, and I grew up at 1638
3 Argonne Place. We played with our neighbor's
4 children and on many not summer evenings we enjoyed
5 sitting and conversing on the front porch. As I grew
6 older I became aware of the beauty and historic charm
7 of our homes and our surrounding neighborhoods.

8 Change is expected, however the alarming
9 trend to convert single-family homes to four or more
10 apartment condominium units is threatening the
11 architectural beauty and harmony of our
12 neighborhoods, and the quality of life for all its
13 residents. To limit the destructive impact of this
14 change my family and I strongly support R-4 rezoning
15 for several reasons. Row house conversion to four or
16 more units do not favor families.

17 My parents were able to realize their dream
18 of raising a family in a single-family home.
19 However, with the current conversions and future
20 planned conversions it will become increasingly
21 difficult for new families to purchase a single-
22 family home as the inventory of homes begin to
23 decline. The small living areas afforded by these
24 carved out units may accommodate a couple but would
25 not provide the space needed for a family of three or

1 more to live comfortably. Couples wishing to start
2 or extend their family will soon realize the
3 restrictions on living space, as well as parking, are
4 drawbacks which they can no longer choose to ignore
5 in favor of architectural character and charm largely
6 contributed by the remaining untouched row houses and
7 the close proximity to urban amenities.

8 Thus, rather than having a family in row
9 houses there are short-term residents with no
10 emotional investment in the area in which they
11 reside.

12 Row house conversions to form more units do
13 not respect neighbor rights. The grim reality of
14 living next to a row house undergoing conversion to a
15 four-unit apartment greatly influenced my family's
16 decision to support R-4 zoning. The constant loud
17 noise was unbearable to my family. The ongoing
18 reverberation caused cracks along adjacent walls and
19 ceilings. Pictures, mirrors, and wall hangings had
20 to be taken down. Our family's home became infested
21 with roaches as the interior walls next door were
22 taken down. A layer of dust and dirt permeated the
23 walls of my family's home. Water infiltrated the
24 master bedroom and damages the paint on the plaster
25 ceiling when the developer cut the metal roof

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 flashing between my home and our neighbor's home at
2 1634 Argonne Place.

3 Although some of our unfortunate experience
4 may seem unique to our family, they illustrate the
5 common issues of stress, disruption, and damage which
6 are representative and germane to all families of row
7 house conversions. The four-unit conversion at 16 --

8 CHAIRPERSON HOOD: Okay. Thank you. We have
9 Exhibit 44.

10 MS. BRUNO: Okay. Thank you.

11 CHAIRPERSON HOOD: Okay. Next.

12 MR. LOCKWOOD: My name is Nick Lockwood and I
13 live at 1817 Ontario Place. We've rented -- we
14 rented the house for six years and then two years ago
15 we bought it. Just to characterize the house, if it
16 was a boarding house it was for very few people.
17 It's got three bedrooms and a basement which would
18 only be fit for very short people to live in.

19 [Laughter.]

20 MR. LOCKWOOD: We're obviously one of the
21 streets which is directly affected by this. Looking
22 out of my kitchen window, by craning my neck I can
23 see nine large apartment buildings which seems to be
24 the predominant housing in the area. We're talking
25 about very few streets here. Half of Argonne,

1 Lanier, Ontario Place, and bits of 18th and bits of
2 Ontario Road.

3 I would appeal to you to limit the ability of
4 developers to convert the remaining houses into
5 multiunit condos, and for you to maintain the
6 remaining diversity in the area. These houses aren't
7 cheap anymore. I accept that, although my house cost
8 nothing like \$1.4 million. They aren't cheap but
9 they do allow families to still live in them.

10 My son is four and we have watched the exodus
11 of neighboring families as they've moved out for what
12 they perceive to be better schools elsewhere, like
13 Eric Lipton whose daughter is in the same class as my
14 son at H. D. Cooke. We want to stay and we want our
15 children to go to school here. The school is getting
16 better. H. D. Cooke is getting better. Partly due
17 to an enormous investment on the part of the
18 District, but also due to parents and children. We
19 think parents from Lanier Heights can only continue
20 to make a contribution to that. And that requires
21 family homes.

22 If you wish Lanier Heights to be an area
23 entirely where young couples and singles come and
24 live in an apartment for a couple of years and then
25 move on to start families elsewhere, then you can

1 keep the restrictions as they are. But if you want
2 to preserve families in the area you need to change
3 the zoning. I would explore you to do so.

4 It's hard to put a price on a pleasing
5 environment. We also value the architecture of those
6 few streets and the balance of row houses that are
7 all aesthetically similar. Pop-ups negatively affect
8 that and other people have talked with much more
9 passion than I can about access to light, to privacy,
10 and to lesser things like parking.

11 And we accept the need for change. We're not
12 asking you to stop the development in Adams Morgan.
13 We are asking to preserve the environment and
14 democratic mix that you have of a few streets of
15 family homes within an area of a high proportion of
16 apartment buildings. Thank you.

17 CHAIRPERSON HOOD: Thank you. Next.

18 MS. OTERO: Good evening. My name is B.B.
19 Otero.

20 CHAIRPERSON HOOD: Is your mic on?

21 MS. OTERO: My mic is on. My name is B.B.
22 Otero and my husband and I have lived on Lanier Place
23 for the last 30 years. We've raised three children,
24 all of whom have gone to public schools in the
25 neighborhood, and who I hope will be able to continue

1 to live in the District and raise their families in
2 the District. They certainly want to do that.

3 You've heard a lot about a 50-foot
4 cinderblock wall. I would direct you to the picture
5 over there. That is my house with that 50-foot god
6 awful piece of construction. This is what you're
7 hearing from everyone here who is concerned about
8 the, just outrageous what's being allowed to happen
9 in our neighborhood.

10 We need to maintain -- you have my testimony
11 but I just, I want to be here to just say we need to
12 maintain family housing for families, affordable
13 housing as much as possible. Columbia Heights -- I
14 mean, Adams Morgan has really had a huge increase in
15 prices and while we know that there's still a lot of
16 us and a lot of families and a lot of young people,
17 we've raised our children along with just an
18 incredible number of children for whom they are still
19 part of their relationship and their family over
20 time.

21 But I just want you to -- as I speak and
22 others speak, to look at what that means for a
23 single-family home. And not only in terms of how
24 awful it looks, but also on what it does to our home
25 in terms of just debilitating the infrastructure in

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 terms of every step in the way we have dedicated --
2 thank God that I stepped down from the administration
3 a year ago because I have had time to fight on this
4 issue. But if you would, every step of the way that
5 we've had to protect -- there is absolutely no
6 protection for the homeowners when there's
7 construction next door to them.

8 There is a great deal of issues around DCRA
9 and around zoning in terms of what's allowed. And if
10 we weren't on top of it day in and day out, every
11 single moment, the developer would have gotten away
12 with a whole lot more than what he did. But we've
13 lost a tree that we fought for, but it was on our
14 property, but unfortunately some of the limbs were on
15 the other side. We lost that fight. They took our
16 tree.

17 So on and on in terms of what I know. And
18 I've counseled a lot of the neighbors that are here
19 on what it is that you're going to go through with
20 this. And there is absolutely no protection for
21 those of us who are the homeowners.

22 I want to stay there for the next 30 years.
23 I'm not going anywhere. And it is really
24 unfortunate. I don't believe that R-4 is going to
25 take away our property rights. I think it will in

1 fact protect my ability to stay in that home and to
2 remain in that home. And it protects availability of
3 large homes for families.

4 CHAIRPERSON HOOD: Can you give us your last
5 sentence?

6 MS. OTERO: My last sentence is that, I know
7 you will do the right thing.

8 [Laughter.]

9 CHAIRPERSON HOOD: That's really putting the
10 pressure on. Okay. Next.

11 MR. ARONBERG: Hi. I'm Richard Aronberg. I
12 live at 1646 Argonne Place with my very patient wife
13 and two small children, both of which I'll add,
14 started off in D.C. public schools, still go to D.C.
15 public schools, and started off at H. D. Cooke.

16 A picture is worth a thousand words. I
17 support R-4 because of overzealous developers, I
18 believe are taking advantage of the system and
19 exploiting every possible loophole as mentioned by my
20 neighbors about the DCRA. And that's how we wind up
21 with things like this, and living next to it with no
22 recourse. So I think it's a good move to dial it
23 back by going to R-4.

24 I don't believe it's going to affect the
25 person that wants to do a kitchen renovation or add a

1 deck behind their house. I think there's a lot of
2 fear mongering going on about that to discourage
3 people looking into this issue, and you know,
4 appealing to the emotional aspect of it.

5 How much time do I have? Okay.

6 I wrote a few notes while I was sitting here
7 and one of the things that I think has not been
8 mentioned, and I don't want to parrot what everyone
9 else has said, but I live on Argonne Place. There's
10 17 homes there. There's one pop-up that's just about
11 to open. You've seen pictures of it tonight.
12 There's three more on the way.

13 With that one pop-up during the construction
14 over the last two years, we have had numerous
15 unauthorized and unannounced street closings.
16 Argonne Place is a one-way street, very narrow.
17 Frequently the developer would just close the street
18 because he's getting a delivery or he's got a crane
19 coming in or he's got this or that. The same thing
20 in the alley behind the houses on Argonne Place.
21 There's a one-way alley. It's a dead-end. So if it
22 blocks, it also supports the Argonne Apartment
23 Building, which is huge. And that one house has
24 caused about a year and a half's worth of disruption
25 in that alley.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 I also want to point out that that new house
2 has no fire escapes and no back door, which I just,
3 as a person that's safety minded, I look at that and
4 I say, my house is attached to these houses and they
5 should have -- those people should have a way to get
6 out of their house if there was a problem.

7 Also, I do not believe that these homes were
8 designed to support this much renovation. If you
9 have four houses attached to each other, and they're
10 all popping up, the common walls were not built to
11 support this stuff. Now, I don't know who is privy
12 that falls under. But at any rate, I support R-4
13 just to dial it back and get some constraints on
14 these developers. Thank you.

15 CHAIRPERSON HOOD: Thank you. Next.

16 MR. BAKER: Good evening, Commissioner Hood,
17 Commissioners Turnbull, Miller, and May.

18 One picture is worth a thousand words and I
19 hope you'll take an opportunity to look at the 260
20 photographs that are in the seven submissions made by
21 myself and people who are opposed to down zoning to
22 get a real view of Lanier Heights as a whole.

23 But before I get into that, I do want to
24 express my gratitude to Director Bardon and Ms.
25 Schellin and the staff of the Office of Zoning for

1 the help in bringing those photo surveys to the case
2 file. The paper files, which I hope you have copies
3 of, with color images, show the neighborhood in
4 detail. But the digital files allow you to zoom in
5 on maps and pictures.

6 These images in Exhibits 56 through 62 show a
7 mixed commercial residential area in one corner of
8 Adams Morgan defined by three dozen medium to large
9 apartment buildings, several smaller apartment
10 houses, and about 14 dozen row houses. Two dozen of
11 these row houses are zoned commercial. The others,
12 R-5-B. Fewer than a dozen row house condos exist.
13 Another half dozen are uncompleted projects awaiting
14 BZA rulings.

15 By generous estimates only 12 to 14 percent
16 of residents live in the single-family row houses,
17 which is an average of about four people per
18 dwelling. A more realistic estimate places average
19 household size at two or three, which children
20 present in only 10 percent of households.

21 Almost all residents of Lanier Heights live
22 in apartment buildings, except for a small percentage
23 in the single-family homes already mentioned, and
24 about one percent who live in fewer than a dozen row
25 house conversions.

1 Applicants say R-5-B destroys family housing,
2 but R-4 won't reserve row houses for families. Most
3 of our single-family row houses almost match R-4
4 limits right now. But few large families choose to
5 live in them.

6 All of us have emotional attachments to our
7 homes and strong feelings about Lanier Heights.
8 Applicants say the neighborhood can only be saved by
9 rezoning. We think down zoning is a bad idea, both
10 for today's residents and tomorrow's new neighbors.
11 Thank you for your time and attention.

12 CHAIRPERSON HOOD: All right. Thank you.
13 Next.

14 MS. ROBERTS-BURKE: Hi. My name is Bonnie
15 Roberts-Burke. I live at 1756 Lanier Place. I've
16 lived there about 20 or more years. Not only am I
17 resident, I'm also a realtor so testify for rezoning
18 is against my professional best interest, but I am in
19 strong support of rezoning Lanier Heights.

20 It is a beautiful architecturally lovely
21 neighborhood and we're in danger of losing that
22 aesthetic. That's one reason that I am in favor of
23 rezoning, to maintain the historic and the visual
24 beauty of this turn of the century neighborhood built
25 in part with single-family homes. The beginning of

1 the 19th century, I think our home was built in 1920,
2 turned to boarding houses. Our very modest home was
3 actually a boarding house. We were told by people
4 who lived there in the 1920s, during the depression.
5 Our modest four-bedroom house.

6 And then happily they came back to being
7 single-family houses after the depression when the
8 need to take in boarders was alleviated by the
9 economy getting better.

10 Lanier Heights has a wonderful mixture of
11 apartments, of condos, of co-operatives, as well as
12 single-family houses. There was a healthy balance of
13 that, a healthy mixture. Recently we have
14 experienced tremendous growth in condominiums and
15 apartments, pop-ups, larger buildings, which is
16 absolutely fine. But if we don't do something fast
17 we are in danger of a great imbalance. We're in
18 danger of losing the diversity of housing choices,
19 which is so important in a dynamic neighborhood.

20 Our single-family houses are disappearing.
21 They're turning into, as you've heard, two, three,
22 four, five, six, seven, eight -- I didn't know eight
23 units -- condos. There will be no room for families
24 to grow in our neighborhood, to have
25 multigenerational homes.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Actually, as a realtor I would respectfully
2 disagree with some prior testimony. There is a great
3 desire, a demand, a thriving demand for large single-
4 family housing. Any time a large house goes on the
5 market with five, six bedrooms, seven bedrooms, means
6 there were two in the basement, so it's really a four
7 or five-bedroom home, then there are usually anywhere
8 between -- tonight I'm involved in a three-offer
9 multiple for a larger house. And you know, demand
10 drives price. But large homes are still -- support
11 children. And I see the children in our neighborhood
12 going to our neighborhood schools.

13 Also the English basements in our homes, they
14 do support some of, I wouldn't call it affordable
15 housing, but some of the housing that is more
16 affordable.

17 CHAIRPERSON HOOD: Okay. Thank you very
18 much. Next.

19 MS. BURMISTROVA: Good evening, the
20 Commission. My name is Marina Burmistrova and my
21 husband, Eugene and I, are owners of the six-unit
22 condo apartment building at 2803 Ontario Road, Lots
23 2040 through 2045. And hereby we would like to
24 submit our formal objection to the filed petition and
25 request exclude our property and lots from the least

1 of suggested lots for rezoning based on the following
2 grounds.

3 Historically our property was a mixed use
4 commercial and residential building, previously
5 classified in terms of use as a four-unit boarding
6 house. The original use implied a much higher
7 density and turnover comparing to the present long-
8 term apartment rental building use, changed after the
9 extensive renovation undertaken by us in 2009.

10 As the audience can see we preserved the
11 historical look of the building after this
12 renovation.

13 We are registered as an apartment building
14 with the D.C. Tax and Revenue Office and file form
15 FP308BA apartment income and expense report on an
16 annual basis. Therefore, we don't understand why our
17 property and our lots and our possession are included
18 in the least. According to the presentation I heard
19 before, it is not the task of the zoning application
20 to affect existing apartment condo buildings.

21 We noticed that the apartment buildings next
22 door, for example Lot 829, 172 in Square 2582 and the
23 apartment building across the road were exempt from
24 the rezoning petition. We wonder why such a
25 selective discriminative approach has been chosen by

1 the petitioners. These buildings are zoned R-5-B as
2 well. Therefore, any of those buildings can convert
3 eight apartments into condos or be demolished and the
4 neighborhood want, they may end up with large newly
5 built modern condominium buildings. Therefore, the
6 rezoning petition doesn't solve the task of keeping
7 the historical appearance of the neighborhood or
8 preventing the architectural nonsense.

9 Although those buildings are classified as
10 residential apartments, while our building is
11 classified condo investment rezoned, the legal sense
12 of our business doesn't differ from the large
13 investment projects. We don't understand why the
14 building across the street would be able to continue
15 renting the units for the term of less than three
16 months while our building wouldn't. Our projects
17 would be similarly excluded from the zoning
18 applicant.

19 As an apartment building with long-term
20 tenants we are subject to different level of property
21 taxation, rent control norms, and rezoning would
22 result in raise our property tax by 24 percent this
23 year. We will deal with issues as not being able to
24 fill the building vacancy, pay higher taxes for the
25 property, which will go down. And problems with

1 servicing our commercial bank loans.

2 Therefore, we oppose including of our lots
3 into zoning application and oppose the petition in
4 general. More arguments are provided in our formal
5 request; formal application. Thank you.

6 CHAIRPERSON HOOD: Thank you. Next.

7 MR. PARSONS: Good evening, Commissioners.
8 My name is Keith Parsons. I'm a unit owner at 1705
9 Lanier Place. That's the Swiss Chalet that you heard
10 about in the petitioner's presentation. That's a
11 small apartment building.

12 I came here to speak out as an opponent of
13 the rezoning, but in the course of the evening
14 comments made by the Office of Planning, the
15 commissioners, and the rest of the audience have
16 actually convinced me, so you can put me under
17 proponent with the exception of the lady who just
18 talked who sounds like she ought to get an exception
19 for her use.

20 [Laughter.]

21 MR. PARSONS: And with that I yield back the
22 rest of my time.

23 CHAIRPERSON HOOD: Okay. Thank you. So
24 these hearings are informative at times. Okay.
25 Let's see. Any questions up here of this panel?

1 Commissioner May?

2 MR. MAY: Yeah, I don't think I fully
3 understand the -- what becomes impossible with the
4 rezoning in your case, Ms. Burmistrova.

5 MS. BURMISTROVA: Yeah. In zone R-5-B the
6 limitation on the apartment building, there is a
7 limitation on the term, the duration of the lease.
8 The minimum duration in R-5-B in Mount Pleasant
9 because we own also one more property in Mount
10 Pleasant, and that's why I know it, is minimum 90
11 days' rental agreement. So all apartment buildings,
12 small apartment buildings, existing buildings like
13 ours, will be affected and won't be allowed to
14 officially legally rent our apartments for the term
15 of one months. And this is very significant. This
16 is a few thousand dollars for small businesses like
17 ours. It's significant if you calculate it over 20
18 or 30 years. It's a significant loss of income.

19 MR. MAY: So you often rent some of your
20 units to --

21 MS. BURMISTROVA: Well, sometimes,
22 sometimes --

23 MR. MAY: -- people less than 90 days?

24 MS. BURMISTROVA: -- it can be rented for one
25 months if I cannot find a long-term tenant right away

1 and it's winter, it's down season. I need to fill my
2 vacancy, and you know, I can rent it for one month.
3 I can rent it for two months. Officially in Zone R-
4 5-B it's not prohibited.

5 MR. MAY: So how many units do you have
6 again?

7 MS. BURMISTROVA: Six units. And it was four
8 unit officially licensed boarding house. So we don't
9 understand why larger condo projects or larger
10 buildings next door literally, 40 units, would be
11 still able to do that and we will be subject to these
12 limitations. That's why we --

13 MR. MAY: The one next door? Because the one
14 next door is -- looks like it's still to be rezoned.

15 MS. BURMISTROVA: Well, it's apartment
16 building but also registered with the city tax and
17 revenue office as apartment building. We also file
18 apartment building report. You know, it's a wide
19 variety of types of zoning, houses, buildings can be
20 zoned and we're prepared, you know, to discuss it
21 with the Zoning Commission, like what can be done in
22 terms. But we just think in terms of economic and
23 legal sense it's not fair to the smaller projects.
24 And --

25 MR. MAY: No, I understand the argument

1 you're making. I'm trying to understand why there is
2 actually a difference. But let me back up one
3 second. The --

4 MS. BURMISTROVA: [Speaking off microphone.]

5 MR. MAY: Let me just back up one second.
6 For your six units right now, I mean, are they on
7 longer term leases now?

8 MS. BURMISTROVA: They're long-term. Mainly
9 long-term. But when I have vacancy for example --

10 MR. MAY: Uh-huh.

11 MS. BURMISTROVA: -- and I don't find a
12 tenant right away. I have to rent this apartment for
13 the term of one month or one half months.

14 MR. MAY: Uh-huh.

15 MS. BURMISTROVA: You know, as long as I pay
16 D.C. Occupancy Tax to, you know, it's also called
17 Hotel Tax, I can do it. And all buildings, the
18 project mentioned here, Adamo, they can do it as well
19 in R-5-B. So it appears that a result of this down
20 zoning the small projects like ours, which don't
21 actually hurt any historical look of the appearance
22 of the neighborhood, they will be negatively impacted
23 comparing to the large --

24 MR. MAY: Okay. So I'm going to ask -- I
25 don't really understand that because it's a subtly in

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 zoning that I'm --

2 MS. BURMISTROVA: Yeah. We --

3 MR. MAY: -- unfamiliar with, or maybe
4 there's some other code that attaches itself to
5 zoning. Maybe the Office of Planning can enlighten
6 us. I'll ask them the same question. But thank you.
7 I appreciate your further information.

8 CHAIRPERSON HOOD: Any other questions up
9 here? Commissioner Miller.

10 MR. MILLER: Thank you, Mr. Chairman and
11 thank you all for your testimony.

12 I just had -- I think I know the answer but I
13 just had one question for both the supporters of the
14 proposal and the opponent, Mr. Baker. Maybe you can
15 answer. Maybe, Mr. Chair, or you can answer for the
16 supporters.

17 Is there any support at all for an
18 alternative proposal than R-4 which would include
19 some of the criteria that OP talked about with
20 limiting pop-backs to a certain number of feet, say
21 no more than 10 or maybe even less, or establishing a
22 lot occupancy and a limitation on the R-5-B, limiting
23 the pop-up to no more than, five say, or maybe even
24 more -- maybe even a bigger restriction? Having some
25 criteria, design criteria on adjacent -- there's some

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 of the criteria that's in the R-4, the new R-4
2 zoning. But the difference might be that if you met
3 all these criteria, design criteria and the
4 limitations on pop-back and pop-up and if you had the
5 sufficient size of an existing structure,
6 essentially, to convert, you might be allowed to go
7 to that third or fourth or maybe even fifth unit as a
8 matter of right as opposed to going through a special
9 exception review under the new R-4 for the third and
10 fourth unit.

11 Is there any support at all for that kind of,
12 what might be called a compromise, but --

13 MS. OTERO: Kind of on the spot to be just --

14 MR. MILLER: Or any of the supporters.

15 MS. OTERO: -- to be on behalf of all of
16 those who support it. But I think what you've heard
17 clearly, is no. And clearly that we've been through
18 this process already. We certainly don't want to
19 start this over again. We've been at it for a long
20 time, Rob. It's been a significant -- and in that
21 period of time we've watched a significant number of
22 single-family homes do what's happened next door to
23 our house. And so I think what you've heard from
24 folks here clearly is that we are -- we would like to
25 move forward with what we have applied with the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 application, and that we've heard it from you all,
2 we've heard it from planning, we've heard it from the
3 residents, that there's been a really thoughtful
4 process here. The ANC has said that, and I think
5 that the Commission really needs to respect the fact
6 that this community has been thoughtful, has really
7 worked through this, has engaged. I can attest to
8 that given the number of meetings that happened in my
9 house. And has really engage the community as a
10 whole.

11 And we've been, I think, incredibly
12 respectful of the fact that there are lots of
13 different needs and lots of different wants around a
14 community. But I think we're pretty clear about
15 where we stand.

16 [Applause.]

17 MR. BAKER: I'll try to follow that.

18 MR. MILLER: Mr. Baker --

19 CHAIRPERSON HOOD: Just a second.

20 MR. BAKER: I'll try to follow that act.

21 CHAIRPERSON HOOD: Before you do that, before
22 you answer the question, while a lot of people I know
23 agree with Ms. Otero, we don't really demonstrate.
24 It's too late now, you've already done it. But we
25 don't really demonstrate in the -- well, it's not the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 chamber, but in the hearing room. If you feel good
2 just feel good within yourself. Okay. I'm sorry.

3 MR. BAKER: That's quite all right. I
4 certainly haven't polled the opponents one-by-one on
5 this question, but my general sense, I know my own
6 sense, and I think the general sense of others is
7 we're mostly concerned about losing matter of right
8 options because we've seen, and some of us have
9 experienced the difficulty sometimes when you are
10 trying to work outside of matter of right.

11 And there are certainly, you know, legitimate
12 questions that neighbors can raise sometimes about
13 special exceptions or variances. There are also a
14 lot of let's say ridiculous kinds of issues that are
15 sometimes brought up to the BZA.

16 I don't think we would have, as a group, a
17 problem with design considerations in terms of the
18 appearance. But we do obviously value the potential
19 square footage expansion that we currently have as a
20 matter of right.

21 If I may say also, about the continued
22 reference tonight, we've heard to an overwhelming
23 support for down zoning. And I understand that the
24 ANC has heard probably nine to one in favor of down
25 zoning, maybe eight to two, somewhere in that range.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 But if you look at the list that the applicants have
2 provided of row house -- row houses that are subject
3 to this downzoning, there are approximately 40
4 percent that have not signed up as supporting down
5 zoning. They haven't necessarily signed up with us
6 in opposition either. They're just out there and
7 kind of an unknown quantity.

8 I think we may find out that some of those
9 owners are absentee owners. And you'll see reference
10 in the statement provided by Jackie Greenbaum, for
11 instance, on her section of the neighborhood, Ontario
12 Road, the 2700 block. She identified at least, I
13 think if memory serves, six row houses that are
14 basically occupied by unrelated groups of students
15 and people and not necessarily the folks who would
16 forward community notices to the landlords about
17 things like that.

18 So I don't know how much other absenteeism
19 there may be. I have seen some PHN notices come back
20 on cases, stamped forward to such and such address in
21 San Diego, for instance. And it's just kind of hard
22 to pin down where the other 40 percent of the
23 population is on this question.

24 Applicants, I know, have done a lot of door
25 to door work. There has been -- I hate -- I hesitate

1 to call it fear mongering or scare tactics, but they
2 have exerted some extreme peer pressure. And images
3 like this one is an example of what you'll see in
4 their case file. You'll see extreme egregious and
5 rare examples in photographic evidence that they put
6 forth as saying, this is what the entire neighborhood
7 is going to turn into.

8 We think that's wrong. There are less than a
9 dozen row house conversions in Lanier Heights right
10 now. There is only half a dozen more that are
11 pending at present. We don't think necessarily that
12 there would be a wave of them coming if this
13 application was rejected for the simple reason that
14 the 50, 60 percent of people who support down zoning
15 do not have to sell to developers.

16 I'm not really good at extemporaneous speech,
17 but that's my comment. And if it did answer your
18 question, I'm not sure.

19 MR. MILLER: No, it did. Thank you for your
20 responses. I appreciate it.

21 CHAIRPERSON HOOD: Okay.

22 MR. TURNBULL: Mr. Chair.

23 CHAIRPERSON HOOD: Mr. Turnbull.

24 MR. TURNBULL: I just had a question.

25 CHAIRPERSON HOOD: Sure.

1 MR. TURNBULL: For maybe Mr. Lockwood and Ms.
2 Otero since you both have had or have families and
3 you raised children, and you've had -- with these
4 changes with the condos and apartments, have you seen
5 -- I mean, I think I've got a feeling from what I've
6 heard tonight from testimony about loss of children
7 in the neighborhood, and that the schools are
8 suffering then. I mean, do you see this without this
9 R-4 zoning in effect, you see this then as getting
10 worse.

11 MR. LOCKWOOD: Well, I'm going to possibly
12 speak foolishly now. And you'll forgive me because
13 I'm English. I don't have the same cultural
14 sensitivities. Because I don't know how to say it
15 sort of politely.

16 In my son's classes, ethnically they're a
17 third black, third Hispanic, and a third white. And
18 the third white live in Lanier Heights, in these
19 houses. And if they're not there the ethnic balance
20 of the school changes, and I don't think that's
21 necessarily a good thing.

22 MS. OTERO: I agree. I mean, we've raised,
23 as I said, our three children. We had a large number
24 of children in the neighborhood and in the block
25 while we were raising our children. We were very

1 fortunate to have that. We are seeing a real
2 reduction. We are also seeing young couples who may
3 be starting in one of these units, now really worry
4 about where they'll be able to grow their families
5 and have conversations with them all the time.

6 And I think Nancy Huvendick spoke to the
7 amount -- the investment in schools that we've made
8 as a city. And I think if you go beyond Cooke and H.
9 D. Cooke and to Cardozo and to Bell Multicultural,
10 and to all of the schools in the area, we're probably
11 talking about \$400 million. And Nancy could correct
12 me if I'm wrong, of what investment has taken place
13 in the city. And who is going to go to those
14 schools? Our tax dollars have gone to really build
15 up our educational system because what we want is
16 families and the diversity in this city, and families
17 create part of that diversity.

18 And so the city is growing. While I know
19 while I was in office we were looking at about 1,000
20 families a month; 1,000 individuals coming in to the
21 city a month. So that the reality is that we do need
22 -- we need to have the mix. I think the case that
23 this community has made is, we have a mix. And we
24 don't want the balance of that mix to be destroyed.

25 So I don't think you hear anybody here saying

1 that we don't like density. That's why we live in
2 the city. That's why we live where we live and we've
3 lived here for 30, 40, and 50 years. But what is
4 really key is that those who are in the
5 responsibility and the role such as the ones that you
6 are, is to maintain that balance in the city and to
7 be able to look at it across the city, not just one
8 neighborhood, and be able to make those decisions
9 based on not only what long-term residents want, what
10 new residents will need, what future residents will
11 need, and maintain that balance.

12 And so I think that's all this neighborhood
13 is asking for. You haven't seen us come up against
14 the Adamo, against the Ontario Theater development,
15 against any of those. You have not seen a mass
16 participation of our neighborhood around that. We
17 understand that that's part of the need.

18 But what we are very clear about is that if
19 we lose the balance -- and I totally disagree that
20 it's just going to be a couple more. Every single
21 one of us, you've heard, gets an invitation, a
22 request, a push more than one. I thought it was just
23 because we were older. I guess everybody is getting
24 it. I thought maybe they were just going after the
25 senior citizens. But, to purchase our homes. And we

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 know that those are all not an individual who wants
2 to buy our home. It's developers. And it is a
3 consistent pattern.

4 And you look at what has happened next door
5 to our house with nine units. Talk about there's no
6 emergency exit. There is no parking. There is a
7 tremendous amount of damage to our -- potential
8 damage to our home. These are very significant.
9 These are little houses next to these mammoth
10 constructions. They're not built to take that kind
11 of pressure against a party wall.

12 So I think to answer your question, I think
13 it is about us maintaining a balance of families,
14 individuals, and commercial in a neighborhood that is
15 really vibrant in the city.

16 MR. TURNBULL: Okay. Thank you.

17 CHAIRPERSON HOOD: And let me just -- I'm
18 getting ready to come to you, Mr. Baker, because you
19 mentioned this picture right there. And sometime
20 with this -- I'm not sure what your circumstance is,
21 but sometimes when this kind of stuff affects you and
22 it's at your doorstep, you take a different
23 perspective. And the reason that I'm looking at
24 this, and I know you said we're getting the most
25 egregious and we got the worst, but I sit here, and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 I'm seeing this all over the city.

2 So that's why I'm saying, you know, I
3 understand Lanier Heights is tonight, but my concern
4 also is across the city as was already spoken to by
5 Ms. Otero.

6 So I understand what you're saying that they
7 brought us the most egregious, but I've seen this too
8 many times. I've seen this across this city quite a
9 bit. I understand your point. I'm not putting your
10 point down. But again, it's for us to strike that
11 balance, to make sure that the housing stock in this
12 city goes a long way other than starting to create
13 and deteriorate neighborhoods and communities.

14 Ms. Otero, let me ask, on the other side of
15 that, is that the firehouse

16 MS. OTERO: Yes.

17 CHAIRPERSON HOOD: Okay. And that was a
18 matter of right?

19 MS. OTERO: That was a matter of right.
20 Trust me, I -- but there are significant issues in
21 terms of -- that we've raised in terms of what was
22 allowed, even within the matter of right.

23 There is just -- I can give you a list of all
24 of the issues that nobody raised.

25 CHAIRPERSON HOOD: Is that how it looks

1 today?

2 MS. OTERO: That's how it looks --

3 CHAIRPERSON HOOD: Right, that wall?

4 MS. OTERO: -- right now. Yep. Yep. And it
5 -- anyway, there are issues with the lot size, there
6 are issues with the parking, there's issues with
7 windows facing our back yard, there's issues with
8 sloping in the roof that snow falls on to our -- I
9 mean, I can just go down the list of the kinds of --

10 CHAIRPERSON HOOD: I understand.

11 MS. OTERO: -- issues that were -- and we
12 worked as a community to try to preserve the home
13 that was there. As much as people have said that it
14 was deteriorating, there was and we had architects
15 who looked at it and said, you could have retained
16 that home.

17 CHAIRPERSON HOOD: Boy, you have a very good
18 attitude in discussing this right here, from what I
19 see. I just want you to know, I'm hearing you have a
20 good attitude discussing it because I know some other
21 people that might discuss it a different way. So I
22 appreciate your professionalism.

23 MS. OTERO: Years of training.

24 CHAIRPERSON HOOD: Okay. Also, I want to
25 talk to the young lady, Ms. Burmistrova. I'm going

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 to -- I agree with Commissioner May. I am going to
2 ask about that and find out what the differences is,
3 especially when it pertains to zoning. So I want you
4 to know that you are well heard.

5 MS. BURMISTROVA: Thank you. This is just to
6 clarify; this is not zoning legislations. This is
7 D.C. Tenants and Rental rules.

8 CHAIRPERSON HOOD: Okay.

9 MS. BURMISTROVA: That are different for
10 historical, historical neighborhoods in the R-5-B
11 zone.

12 CHAIRPERSON HOOD: Okay.

13 MS. BURMISTROVA: So I --

14 CHAIRPERSON HOOD: We're going to see what's
15 in our purview and what's not. And, Mr. Baker, you
16 wanted to add something. I saw you reaching for your
17 mic.

18 MR. BAKER: Yes. Yes. Thank you,
19 Commissioner.

20 I do hope -- I'd like to take this time to
21 ask people to really look at the literally almost
22 house to house survey that I and six other opponents
23 to down zoning have provided for you, either through
24 the paper copies or through the digital files in the
25 case file.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 But the point I really wanted to -- putting
2 this aside for a minute, the thing I wanted to
3 address is something that we haven't really addressed
4 from our point of view yet, and that is the question
5 of schools. And I'm at a loss to understand why the
6 10, 15 percent of the population in Lanier Heights
7 row houses, many of which do not have any school age
8 children, are expected -- are able to fill these
9 schools. I think there must be in the 80, 85 percent
10 of residents that live in apartment buildings in
11 Lanier Heights and in areas in Adams Morgan. There
12 must be a lot of families with children in
13 apartments.

14 So I think that to a certain extent this
15 schools issue is a red herring. You're not going to
16 balance a school budget on 140, 150 row houses in
17 Lanier Heights.

18 CHAIRPERSON HOOD: One of the things I don't
19 want to do is get into a debate. I thought since I
20 singled you out, I thought you were going to respond
21 to what I said. But that's a whole other issue that
22 we can talk about and I know Ms. Otero wants to
23 comment, but her professionalism is not going to let
24 her do that tonight. Okay.

25 All right. Any other questions up here?

1 Okay. Thank you all very much. We appreciate you
2 coming down providing testimony.

3 Okay. I have three more names on my list and
4 then we'll take anyone else who has not signed in.
5 Suzanne Allan. Excuse me, can you all do us a favor?
6 We want to hear from the other -- Suzanne Allan,
7 Michael Mayo, and Catherine Broad. Is there anyone
8 else who is here who would like to testify? You can
9 come forward. Anyone else?

10 MS. DECKER: I signed up on Friday.

11 CHAIRPERSON HOOD: You signed up on Friday.
12 What was your name?

13 MS. DECKER: Sandra Decker.

14 CHAIRPERSON HOOD: Okay. Come on up, Ms.
15 Decker. And also I missed a name earlier, Jose
16 Hernandez. Oh, I already -- I thought you said I
17 didn't get him. The Vice Chair must be here tonight.
18 Okay. No.

19 [Discussion off the record.]

20 CHAIRPERSON HOOD: Anyone else who would like
21 to testify? Okay, we're going to close with this
22 panel. We're going to start to my left, and you may
23 begin. Introduce yourself.

24 MS. BROAD: Yes. Hi. I'm Catherine Broad.
25 I wasn't expecting to testify but you know, I'm happy

1 to, and thank you. Thank you for your help earlier.

2 I live in the Ontario Co-operative also. I'm
3 a resident there and I'm an architect by trade, and I
4 as an architecture student I studied Mount Pleasant.
5 I note that the character of the area of you know,
6 not only Mount Pleasant but Adams Morgan and Lanier
7 Heights in particular where I live, is again I want
8 to underscore, diverse. It's a mixture of single-
9 family homes, apartment houses like the one I am in,
10 and it's got enough open space, it's got a character
11 where we're adjacent to Rock Creek Park, we've got
12 natural space there. We've also got Mount Pleasant
13 immediately adjacent. And so I am definitely in
14 favor of the R-4 zoning change and want to underscore
15 that I think that is appropriate for the kind of
16 historically and culturally significant area that
17 we're in. Thanks.

18 CHAIRPERSON HOOD: Thank you. Next.

19 MS. DECKER: Hi, Sandra Decker.

20 CHAIRPERSON HOOD: Is your mic on?

21 MS. DECKER: Sorry.

22 CHAIRPERSON HOOD: There you go.

23 MS. DECKER: I'm Sandra Decker. I live at
24 1729 Lanier Place, which is a three-bedroom row
25 house. I don't think there are that many seven

1 bedrooms, but I bought about three years ago. I do
2 not have young children so I don't think it's all
3 about schools. I bought to take care of my father
4 who was suffering from brain cancer.

5 So I moved up from DuPont, which was a very
6 lively, you know, more transient because there are
7 fewer single owner occupied housing there. And I
8 wanted my dad, from the Midwest, to finish his years
9 in a neighborhood even though I am an urban person.
10 So I wanted him to be able to sit out and drink his
11 coffee in the morning and see Eric Lipton's very cute
12 little girls go to school in the morning. And maybe
13 a more objective source, but I do back it up.

14 And, you know, he has since passed away but I
15 may be moving my mother in too, so I can get a
16 balance between my urban neighborhood and a
17 comfortable place for my elderly and ailing parents.

18 So I think there's a really diverse group of
19 people who are in the single housing units and I
20 think what really strikes me too is that, you know, I
21 bought in after saving for 20 years because of the
22 unique character and mix of housing. I have a condo
23 next to me but it's -- I'm friends with a lot of
24 those people, but it's a condo that was built in the
25 1930s and doesn't obstruct. It's not built to every

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 last inch of the property.

2 And my -- you know, I've been here in the
3 neighborhood for three and a half years and my
4 concerns are exactly the same as those people who
5 were on Argonne who had been here 40 or 50 years, and
6 I'm here to raise out -- you know, to take care of
7 parents. But my concerns are the same as my next
8 door neighbor that's raising two young children. And
9 I think that's also very special about the
10 neighborhood, because I've heard of neighborhoods in
11 D.C. where there's some conflict between people who
12 have been in the neighborhood for 40 or 50 years, and
13 people who have been in the neighborhood only for
14 three or five or seven. And that's not true in this
15 case.

16 I know a lot of my neighbors who have been
17 here 40 years and talk to them weekly. And I think
18 that's one of the special characters of the
19 neighborhood.

20 I'd also like to say that it's not just the
21 percent of units that had been converted, but it's
22 the pace of it. It's all happened in the last three
23 years. As soon as I bought my dream house they
24 started converting everything on my street, the next
25 street, and the street over. So there may only be a

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 certain percentage of row houses that have been
2 converted now, but it is going fast.

3 So I think the mix of the neighborhood, there
4 will be no single-family units unless we rezone to R-
5 4. The supply of condos is growing. The supply of
6 single-family housing is dwindling really quickly.

7 I'd like to say more but I'm an economist.
8 Usually I'm not against development, but there's such
9 a thing as public good, meaning we all share the
10 character of the neighborhood, and that means that
11 regulation is called for to get the best for
12 everyone. Thank you.

13 CHAIRPERSON HOOD: Okay. Thank you. Next.

14 MS. ALLAN: Good evening. My name is Suzanne
15 Allan.

16 CHAIRPERSON HOOD: Turn your mic on.

17 MS. ALLAN: Has to be really green, not just
18 sort of green, I guess.

19 My name is Suzanne Allan. I live at 1786
20 Lanier Place. I'm a native Washingtonian, a
21 practicing urban planner, and a resident of Lanier
22 Heights by choice, not just chance.

23 Although the reasons for approving this
24 resident requested neighborhood rezoning will be
25 numerous, diverse, and in my personal professional

1 opinion, warranted, the focus of my comments will be
2 on just one of those issues, and that's the provision
3 of affordable workforce housing.

4 Affordable workforce housing isn't the \$2,600
5 a month efficiency, or the five, six, seven, or even
6 a million-dollar condo unit being produced as a
7 result of multiunit pop-up conversions. It is, as
8 others before me have mentioned, the English basement
9 apartment, or the house mate that a two-family three-
10 bedroom, not seven-bedroom but three-bedroom unit row
11 house such as the one I live in can provide.

12 In short, if the current zoning can't sustain
13 the current stock of workforce affordable units
14 because of the pressure to convert, why would you
15 ever consider denying this request? Just in short.
16 This is not a down zoning. This is a right zoning.
17 This is ensuring that our community is zoned in a
18 manner that reflects and is consistent with its
19 character and make up. Our neighborhood, I feel,
20 deserves what it is asking for, both those of us who
21 live there now, those who have lived before us, and
22 those to come. Please support this request.

23 CHAIRPERSON HOOD: Okay. Thank you. Next.

24 MR. MAYA: Good evening. My name is Michael
25 Maya. I live at 1818 Ontario Place. It's one of the

1 row homes subject to this request. My comments
2 against the proposal, along with my wife, are in the
3 record so I won't rehash them. I do think you know,
4 many of the concerns that the proponents raise are
5 valid, but for the reasons expressed in the comments
6 I have submitted we don't -- my wife and I don't
7 support the petition.

8 I want to use my time now to discuss
9 something that Commissioner May said and something
10 that Commissioner Miller said, sort of compromised
11 proposal. I personally would support some sort of
12 compromise. My concern is not primarily sort of
13 larger issues but really the ability -- retaining the
14 ability to make relatively minor renovations to these
15 homes, which would become difficult if the proposal
16 goes through. A lot of the homes could well become
17 nonconforming. I know there's some dispute about the
18 exact number that's a significant issue for us and I
19 think for a lot of other people.

20 And so if there is a way to do some sort of
21 amendment where we deem the existing homes conforming
22 so that they could be built, you know, within the new
23 limits, that would be great. We'd support that
24 alternatively or perhaps in addition if there is a
25 way to you know, work in some sort of compromise.

1 The height limit in particular is of concern to us.
2 There's a lot of hills in this neighborhood, so if
3 you're talking about 35 feet, that doesn't
4 necessarily get you three stories when you're talking
5 about measuring from a grade where you've got sort of
6 a front, front lawn a few steps up to the first
7 floor. As I understand it you measure from the front
8 lawn, not from the first floor. And so 35 feet is
9 not necessarily going to get you three floors.

10 A lot of these houses have little attics on
11 the third floor, but they're not full floors. You
12 can't stand in them and if you know, if people want
13 to put an extra bedroom up there that doesn't seem
14 problematic to me, or out of character with the
15 neighborhood. And so you know, I would support some
16 sort of compromise or some way to work in the ability
17 to do that kind of thing while still preserving the
18 character of the neighborhood. Thank you.

19 CHAIRPERSON HOOD: Okay. I want thank you
20 all for your testimony. Let's see if we have any
21 questions or comments up here, anybody? Nobody.
22 Okay. Thank you all very much. We appreciate your
23 comments and testimony.

24 Okay. Ms. Schellin, do we have anything
25 else? Do we need to come up with some dates or

1 anything?

2 MS. SCHELLIN: I think the record was only
3 going to be left open for two items. The OP
4 recommendation and you asked the petitioners to
5 provide the information that they -- or Commissioner
6 Turnbull did, the public outreach that they discussed
7 this evening in their presentation, if they could
8 provide that documentation for the record. Other
9 than that the record would be closed.

10 And if we could have that, Office of
11 Planning, can you do that in two weeks? Two weeks.
12 So if we could have both of those items by 3:00 p.m.
13 April 4th, then we can put this on the April 11th
14 agenda.

15 MR. MAY: So just to be clear, from the
16 Office of Planning, I'm just thinking three things.
17 One was the recommendation, another was language that
18 we could consider to allow existing nonconforming
19 properties to be considered conforming.

20 And then the last thing is if you can shed
21 any light on this, the issue having to do with you
22 know, term of rentals that's somehow tied to zoning.
23 I'm sure it's not a zoning regulation, but is there
24 another regulation that ties to it? Or maybe you can
25 answer that right now.

1 MS. STEINGASSER: I can't.

2 MR. MAY: Okay.

3 MS. STEINGASSER: But there are several other
4 regulations that tie to zoning that are not zoning
5 related.

6 MR. MAY: Okay.

7 MS. STEINGASSER: Alcoholic Beverage Control,
8 noise. I believe she said it was related to tenant,
9 tenant laws.

10 MR. MAY: Yeah.

11 MS. STEINGASSER: We'll work with OAG.

12 MR. MAY: Yeah, I mean, I would just be
13 interested to understand what that is so that we can,
14 you know, we know what the impact is of making this
15 change, if we make the change.

16 CHAIRPERSON HOOD: Yeah, I think we would
17 also, on the last point, Commissioner May, consult
18 with OAG.

19 MR. MAY: That's what she said.

20 CHAIRPERSON HOOD: Oh, okay. I didn't hear
21 what she -- I was talking. So, Commissioner Miller.

22 MR. MILLER: Yeah. As part of OP's updated
23 report, if they're able to provide some kind of
24 updated analysis of the city's -- a lot of this was
25 in the R-4 recommendation that you all made. But if

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 you can do an update on how the city's housing stock
2 is matching up, our building stock is matching up
3 with the demands, some kind of analysis that just
4 shows, you know -- obviously there are market forces
5 that were creating pressures in both the R-4 and R-5-
6 B neighborhoods.

7 But I'd like just some analysis of how our
8 building stock is going to accommodate the growth
9 that we're seeing in the city and that is projected
10 to be in the city, if we could get some kind of
11 updated analysis beyond what was in the R-4
12 recommendation and how it relates to this case, if
13 you're able to do that. That may be more than a two-
14 week request but you may already have a lot of that
15 information. I don't know.

16 CHAIRPERSON HOOD: I understand that
17 Commissioner Cohen wants to review this case. Yeah,
18 so we need to make sure we allow her enough time.
19 She wants to participate, so I won't say nothing bad
20 about her because she's probably going to review the
21 tape. She may be watching now, like I did.

22 MS. SCHELLIN: She comes back on April 1st.

23 CHAIRPERSON HOOD: She comes back April
24 Fool's Day. Okay. So tell her to read it April 2nd.

25 MS. SCHELLIN: Yeah. She'll be back.

1 CHAIRPERSON HOOD: I do want to say, I want
2 to thank Mr. Baker for giving nice kudos to our
3 staff, Director Bardin and Ms. Schellin, and the
4 staff at Office of Zoning because a lot of times we
5 don't get a lot of that. And, Ms. Schellin, could
6 you make sure that we take this to the budget hearing
7 so Chairman Mendelson can -- okay.

8 Do we have anything else? And, Ms. Cohen,
9 Vice Chair Cohen will be reading the record. April
10 11th, will that be enough time for the Vice Chair to
11 read the record? April 11th? Okay. All right. So
12 that's how we're going to proceed, at least at this
13 time unless she tells us otherwise. She may need
14 more time. We might have to readjust that, but right
15 now that's the schedule.

16 Okay. Do we have anything else?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. I want to thank
19 everyone for their participation tonight, pro or con.
20 We appreciate all the testimony and stay tuned and
21 follows us and see how we're going to proceed. So,
22 with that this hearing is adjourned.

23 [Hearing adjourned at 9:46 p.m.]

24

25